

**Calendar No. 167**

111TH CONGRESS  
1ST SESSION

**S. 801**

**[Report No. 111–80]**

To amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, Mr. ROCKEFELLER, Mr. BROWN, Mr. BEGICH, Ms. SNOWE, Mrs. MURRAY, Mr. REED, Mr. SPECTER, Ms. MURKOWSKI, Mr. JOHANNES, Mrs. MCCASKILL, Mr. MERKLEY, Mr. THUNE, Mr. CARDIN, Mr. JOHNSON, Mrs. HAGAN, Mr. CASEY, Mr. BENNET, Mr. UDALL of New Mexico, Mr. DURBIN, Mrs. HUTCHISON, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 25, 2009

Reported by Mr. AKAKA, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they

receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Caregiver and Vet-  
 5       erans Health Services Act of 2009”.

6       **SEC. 2. WAIVER OF CHARGES FOR HUMANITARIAN CARE**  
 7                       **PROVIDED TO FAMILY MEMBERS ACCOM-**  
 8                       **PANYING CERTAIN SEVERELY INJURED VET-**  
 9                       **ERANS AS THEY RECEIVE MEDICAL CARE.**

10       The text of section 1784 of title 38, United States  
 11       Code, is amended to read as follows:

12       “(a) **IN GENERAL.**—The Secretary may furnish hos-  
 13       pital care or medical services as a humanitarian service  
 14       in emergency cases.

15       “(b) **REIMBURSEMENT.**—Except as provided in sub-  
 16       section (c), the Secretary shall charge for care and services  
 17       provided under subsection (a) at rates prescribed by the  
 18       Secretary.

19       “(c) **WAIVER OF CHARGES.**—(1) Except as provided  
 20       in paragraph (2), the Secretary shall waive the charges  
 21       required by subsection (b) for care or services provided  
 22       under subsection (a) to an attendant of a covered veteran  
 23       if such care or services are provided to such attendant for  
 24       an emergency that occurs while such attendant is accom-

1 panying such veteran while such veteran is receiving ap-  
 2 proved inpatient or outpatient treatment at—

3       ~~“(A) a Department facility; or~~

4       ~~“(B) a non-Department facility—~~

5               ~~“(i) that is under contract with the De-~~  
 6       ~~partment; or~~

7               ~~“(ii) at which the veteran is receiving fee-~~  
 8       ~~basis care.~~

9       ~~“(2) If an attendant is entitled to care or services~~  
 10 ~~under a health-plan contract (as that term is defined in~~  
 11 ~~section 1725(f) of this title) or other contractual or legal~~  
 12 ~~recourse against a third party that would, in part, extin-~~  
 13 ~~guish liability by charges described by subsection (b); the~~  
 14 ~~amount of such charges waived under paragraph (1) shall~~  
 15 ~~be the amount by which such charges exceed the amount~~  
 16 ~~of such charges covered by the health-plan contract or~~  
 17 ~~other contractual or legal recourse against the third party.~~

18       ~~“(d) DEFINITIONS.—In this section:~~

19               ~~“(1) The term ‘attendant’ includes, with respect~~  
 20 ~~to a veteran, the following:~~

21               ~~“(A) A family member of the veteran.~~

22               ~~“(B) An individual eligible to receive ongo-~~  
 23 ~~ing family caregiver assistance under section~~  
 24 ~~1717A(c)(1) of this title for the provision of~~  
 25 ~~personal care services to the veteran.~~

1           “(C) Any other individual whom the Sec-  
2           retary determines—

3                   “(i) has a relationship with the vet-  
4                   eran sufficient to demonstrate a close af-  
5                   finity with the veteran; and

6                   “(ii) provides a significant portion of  
7                   the veteran’s care.

8           “(2) The term ‘covered veteran’ means any vet-  
9           eran with a severe injury incurred or aggravated in  
10          the line of duty in the active military, naval, or air  
11          service on or after September 11, 2001.

12          “(3) The term ‘family member’ with respect to  
13          a veteran, includes the following:

14                   “(A) The spouse of the veteran.

15                   “(B) The child of the veteran.

16                   “(C) A parent of the veteran.

17                   “(D) A sibling of the veteran.

18                   “(E) A cousin of the veteran.

19                   “(F) An aunt of the veteran.

20                   “(G) An uncle of the veteran.

21                   “(H) A grandparent of the veteran.

22                   “(I) A grandchild of the veteran.

23                   “(J) A stepparent of the veteran.

24                   “(K) A stepchild of the veteran.

25                   “(L) A stepsibling of the veteran.

1                   “(M) A parent-in-law of the veteran.

2                   “(N) A sister-in-law of the veteran.

3                   “(O) A brother-in-law of the veteran.

4                   “(P) A cousin of the spouse of the veteran.

5                   “(Q) An aunt of the spouse of the veteran.

6                   “(R) An uncle of the spouse of the veteran.

7                   “(S) A grandparent of the spouse of the  
8                   veteran.

9                   “(T) A grandchild of the spouse of the vet-  
10                  eran.

11                  “(U) A stepparent of the spouse of the vet-  
12                  eran.

13                  “(V) A stepsibling of the spouse of the vet-  
14                  eran.

15                  “(W) Such other individuals as the Sec-  
16                  retary shall specify in regulations for purposes  
17                  of this section.

18                  “(4) The term ‘severe injury’ means, in the  
19                  case of a covered veteran, any injury as follows:

20                         “(A) A physiological condition of the vet-  
21                         eran if the condition is a permanent or tem-  
22                         porary severely disabling disorder that com-  
23                         promises the ability of the veteran to carry out  
24                         one or more independent activities of daily liv-  
25                         ing.

“(B) A psychological condition of the veteran if the condition is rated at 30 or less on the Global Assessment of Functioning (GAF) scale, as set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition Text Revision (DSM-IV-TR), or the most recent edition if different than the Fourth Edition Text Revision, of the American Psychiatric Association.

“(C) An injury for which the veteran needs supervision or protection based on symptoms or residuals of neurological or other impairment.

“(D) Any other injury of the veteran that is determined to be a severe injury in accordance with regulations prescribed by the Secretary for purposes of this section.”.

### **SEC. 3. FAMILY CAREGIVER ASSISTANCE.**

#### **(a) REQUIREMENT.—**

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1717 the following new section:

#### **“§ 1717A. Family caregiver assistance**

“(a) IN GENERAL.—(1) As part of home health services provided under section 1717 of this title, the Secretary shall, upon the joint application of an eligible vet-

1 eran and a family member of such veteran (or other indi-  
 2 vidual designated by such veteran), furnish to such family  
 3 member (or designee) family caregiver assistance in ac-  
 4 cordance with this section. The purpose of providing fam-  
 5 ily caregiver assistance under this section is—

6           “(A) to reduce the number of veterans who are  
 7           receiving institutional care, or who are in need of in-  
 8           stitutional care, whose personal care service needs  
 9           could be substantially satisfied with the provision of  
 10          such services by a family member (or designee); and

11          “(B) to provide eligible veterans with additional  
 12          options so that they can choose the setting for the  
 13          receipt of personal care services that best suits their  
 14          needs.

15          “(2) The Secretary shall only furnish family caregiver  
 16          assistance under this section to a family member of an  
 17          eligible veteran (or other individual designated by such  
 18          veteran) if the Secretary determines it is in the best inter-  
 19          est of the eligible veteran to do so.

20          “(b) ELIGIBLE VETERANS.—(1) For purposes of this  
 21          section, an eligible veteran is a veteran (or member of the  
 22          Armed Forces undergoing medical discharge from the  
 23          Armed Forces)—

24               “(A) who has a serious injury (including trau-  
 25               matic brain injury, psychological trauma, or other

1        mental disorder) incurred or aggravated in line of  
2        duty in the active military, naval, or air service on  
3        or after the date described in paragraph (2); and

4            “(B) whom the Secretary determines, in con-  
5        sultation with the Secretary of Defense as necessary,  
6        is in need of personal care services because of—

7            “(i) an inability to perform one or more  
8        independent activities of daily living;

9            “(ii) a need for supervision or protection  
10       based on symptoms or residuals of neurological  
11       or other impairment or injury; or

12          “(iii) such other matters as the Secretary  
13       shall establish in consultation with the Sec-  
14       retary of Defense as appropriate.

15       “(2) The date described in this paragraph—

16          “(A) during the period beginning on the date of  
17       the enactment of the Caregiver and Veterans Health  
18       Services Act of 2009 and ending two years after the  
19       date of the enactment of that Act, is September 11,  
20       2001; and

21          “(B) beginning on the first day after the date  
22       that is two years after the date of the enactment of  
23       the Caregiver and Veterans Health Services Act of  
24       2009, is the earliest date the Secretary determines  
25       is appropriate to include the largest number of vet-



1        erans possible under this section without reducing  
 2        the quality of care provided to such veterans.

3        ~~“(c) EVALUATION OF ELIGIBLE VETERANS AND~~  
 4 ~~FAMILY CAREGIVERS.—~~(1) The Secretary shall evaluate  
 5 each eligible veteran who makes a joint application under  
 6 subsection (a)(1)—

7            ~~“(A) to identify the personal care services re-~~  
 8            ~~quired by such veteran; and~~

9            ~~“(B) to determine whether such requirements~~  
 10            ~~could be significantly or substantially satisfied with~~  
 11            ~~the provision of personal care services from a family~~  
 12            ~~member (or other individual designated by the vet-~~  
 13            ~~eran).~~

14        ~~“(2) The Secretary shall evaluate each family mem-~~  
 15 ~~ber of an eligible veteran (or other individual designated~~  
 16 ~~by the veteran) who makes a joint application under sub-~~  
 17 ~~section (a)(1) to determine—~~

18            ~~“(A) the basic amount of instruction, prepara-~~  
 19            ~~tion, and training such family member (or designee)~~  
 20            ~~requires, if any, to provide the personal care services~~  
 21            ~~required by such veteran; and~~

22            ~~“(B) the amount of additional instruction, prep-~~  
 23            ~~aration, and training such family member (or des-~~  
 24            ~~ignee) requires, if any, to be the primary personal~~

1       care attendant designated for such veteran under  
2       subsection (e).

3       ~~“(3) An evaluation carried out under paragraph (1)~~  
4       ~~may be carried out—~~

5               ~~“(A) at a Department facility;~~

6               ~~“(B) at a non-Department facility determined~~  
7       ~~appropriate by the Secretary for purposes of such~~  
8       ~~evaluation; and~~

9               ~~“(C) such other locations as the Secretary con-~~  
10       ~~siders appropriate.~~

11       ~~“(d) TRAINING AND CERTIFICATION.—(1) Except as~~  
12       ~~provided in subsection (a)(2), the Secretary shall provide~~  
13       ~~each family member of an eligible veteran (or other indi-~~  
14       ~~vidual designated by the veteran) who makes a joint appli-~~  
15       ~~cation under subsection (a)(1) the basic instruction, prep-~~  
16       ~~aration, and training determined to be required by such~~  
17       ~~family member (or designee) under subsection (e)(2)(A).~~

18       ~~“(2) The Secretary may provide to a family member~~  
19       ~~of an eligible veteran (or other individual designated by~~  
20       ~~the veteran) the additional instruction, preparation, and~~  
21       ~~training determined to be required by such family member~~  
22       ~~(or designee) under subsection (e)(2)(B) if such family~~  
23       ~~member (or designee)—~~

24               ~~“(A) is certified as a personal care attendant~~  
25       ~~for the veteran under paragraph (3); and~~

1           “(B) requests, with concurrence of the veteran;  
2           such additional instruction, preparation, and train-  
3           ing.

4           “(3) Upon the successful completion by a family  
5           member of an eligible veteran (or other individual des-  
6           ignated by the veteran) of basic instruction, preparation,  
7           and training provided under paragraph (1), the Secretary  
8           shall certify the family member as a personal care attend-  
9           ant for the veteran.

10          “(4) If the Secretary determines that a primary per-  
11          sonal care attendant designated under subsection (c) re-  
12          quires additional training to maintain such designation,  
13          the Secretary shall make such training available to the pri-  
14          mary personal care attendant.

15          “(5) The Secretary shall, subject to regulations the  
16          Secretary shall prescribe, provide for necessary travel,  
17          lodging, and per diem expenses incurred by a family mem-  
18          ber of an eligible veteran (or other individual designated  
19          by the veteran) in undergoing training under this sub-  
20          section.

21          “(6) If the participation of a family member of an  
22          eligible veteran (or other individual designated by the vet-  
23          eran) in training under this subsection would interfere  
24          with the provision of personal care services to the veteran,  
25          the Secretary shall, subject to regulations as the Secretary

1 shall prescribe and in consultation with the eligible vet-  
 2 eran, provide respite care to the eligible veteran during  
 3 the provision of such training to the family member so  
 4 that such family caregiver (or designee) can participate  
 5 in such training without interfering with the provision of  
 6 such services.

7       “(e) DESIGNATION OF PRIMARY PERSONAL CARE  
 8 ATTENDANT.—(1) For each eligible veteran with at least  
 9 one family member (or other individual designated by the  
 10 veteran) who is described by subparagraphs (A) through  
 11 (E) of paragraph (2), the Secretary shall designate one  
 12 family member of such veteran (or other individual des-  
 13 ignated by the veteran) as the primary personal care at-  
 14 tendant for such veteran to be the primary provider of  
 15 personal care services for such veteran.

16       “(2) A primary personal care attendant designated  
 17 for an eligible veteran under paragraph (1) shall be se-  
 18 lected from among family members of such veteran (or  
 19 other individuals designated by such veteran) who—

20               “(A) are certified under subsection (d)(3) as a  
 21 personal care attendant for such veteran;

22               “(B) complete all additional instruction, prepa-  
 23 ration, and training, if any, provided under sub-  
 24 section (d)(2);

1           “(C) elect to provide the personal care services  
2           to such veteran that the Secretary determines such  
3           veteran requires under subsection (e)(1);

4           “(D) has the consent of such veteran to be the  
5           primary provider of such services for such veteran;  
6           and

7           “(E) the Secretary considers competent to be  
8           the primary provider of such services for such vet-  
9           eran.

10          “(3) An eligible veteran receiving personal care serv-  
11       ices from a family member (or other individual designated  
12       by the veteran) designated as the primary personal care  
13       attendant for the veteran under paragraph (1) may revoke  
14       consent with respect to such family member (or designee)  
15       under paragraph (2)(D) at any time.

16          “(4) If an individual designated as the primary per-  
17       sonal care attendant of an eligible veteran under para-  
18       graph (1) subsequently fails to meet the requirements set  
19       forth in paragraph (2), the Secretary—

20               “(A) shall immediately revoke the individual’s  
21       designation under paragraph (1); and

22               “(B) may designate, in consultation with the el-  
23       igible veteran or the eligible veteran’s surrogate ap-  
24       pointed under subsection (g), a new primary per-

1       sonal care attendant for the veteran under such  
2       paragraph.

3       ~~“(5) The Secretary shall take such actions as may~~  
4       ~~be necessary to ensure that the revocation of a designation~~  
5       ~~under paragraph (1) does not interfere with the provision~~  
6       ~~of personal care services required by a veteran.~~

7       ~~“(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—~~  
8       ~~(1) Except as provided in subsection (a)(2) and subject~~  
9       ~~to the provisions of this subsection, the Secretary shall~~  
10      ~~provide ongoing family caregiver assistance to family~~  
11      ~~members of eligible veterans (or other individuals des-~~  
12      ~~ignated by such veterans) as follows:~~

13           ~~“(A) To each family member of an eligible vet-~~  
14      ~~eran (or designee) who is certified under subsection~~  
15      ~~(d)(3) as a personal care attendant for the veteran~~  
16      ~~the following:~~

17           ~~“(i) Direct technical support consisting of~~  
18           ~~information and assistance to timely address~~  
19           ~~routine, emergency, and specialized caregiving~~  
20           ~~needs.~~

21           ~~“(ii) Counseling.~~

22           ~~“(iii) Access to an interactive Internet~~  
23           ~~website on caregiver services that addresses all~~  
24           ~~aspects of the provision of personal care serv-~~  
25           ~~ices under this section.~~

1           “(B) To each family member of an eligible vet-  
 2           eran (or designee) who is designated as the primary  
 3           personal care attendant for the veteran under sub-  
 4           section (c) the following:

5                   “(i) The ongoing family caregiver assist-  
 6           ance described in subparagraph (A).

7                   “(ii) Mental health services.

8                   “(iii) Respite care of not less than 30 days  
 9           annually, including 24-hour per day care of the  
 10          veteran commensurate with the care provided  
 11          by the family caregiver to permit extended res-  
 12          pite.

13                  “(iv) Medical care under section 1781 of  
 14          this title.

15                  “(v) A monthly personal caregiver stipend.

16          “(2)(A) The Secretary shall provide respite care  
 17          under paragraph (1)(B)(iii), at the election of the Sec-  
 18          retary—

19                  “(i) through facilities of the Department that  
 20          are appropriate for the veteran; or

21                  “(ii) through contracts under section 1720B(c)  
 22          of this title.

23          “(B) If the primary personal care attendant of an  
 24          eligible veteran designated under subsection (c)(1) deter-  
 25          mines in consultation with the veteran or the veteran’s

1 surrogate appointed under subsection (g); and the Sec-  
2 retary concurs, that the needs of the veteran cannot be  
3 accommodated through the facilities and contracts de-  
4 scribed in subparagraph (A), the Secretary shall, in con-  
5 sultation with the primary personal care attendant and the  
6 veteran (or the veteran's surrogate), provide respite care  
7 through other facilities or arrangements that are medically  
8 and age appropriate.

9       “(3)(A) The Secretary shall provide monthly personal  
10 caregiver stipends under paragraph (1)(B)(v) in accord-  
11 ance with a schedule established by the Secretary that  
12 specifies stipends provided based upon the amount and de-  
13 gree of personal care services provided.

14       “(B) The Secretary shall ensure, to the extent prac-  
15 ticable, that the schedule required by subparagraph (A)  
16 specifies that the amount of the personal caregiver stipend  
17 provided to a primary personal care attendant designated  
18 under subsection (c)(1) for the provision of personal care  
19 services to an eligible veteran is not less than the amount  
20 the Secretary would pay a commercial home health care  
21 entity in the geographic area of the veteran to provide  
22 equivalent personal care services to the veteran.

23       “(C) If personal care services are not available from  
24 a commercial provider in the geographic area of an eligible  
25 veteran, the Secretary may establish the schedule required



1 by subparagraph (A) with respect to the veteran by consid-  
 2 ering the costs of commercial providers of personal care  
 3 services in geographic areas other than the geographic  
 4 area of the veteran with similar costs of living.

5 “(4) Provision of ongoing family caregiver assistance  
 6 under this subsection for provision of personal care serv-  
 7 ices to an eligible veteran shall terminate if the eligible  
 8 veteran no longer requires the personal care services.

9 “(g) SURROGATES.—If an eligible veteran lacks the  
 10 capacity to submit an application, provide consent, make  
 11 a request, or concur with a request under this section, the  
 12 Secretary may, in accordance with regulations and policies  
 13 of the Department regarding the appointment of guard-  
 14 ians or the use of powers of attorney, appoint a surrogate  
 15 for the veteran who may submit applications, provide con-  
 16 sent, make requests, or concur with requests on behalf of  
 17 the veteran under this section.

18 “(h) OVERSIGHT.—(1) The Secretary shall enter into  
 19 contracts with appropriate entities to provide oversight of  
 20 the provision of personal care services by primary personal  
 21 care attendants designated under subsection (c)(1) under  
 22 this section.

23 “(2) The Secretary shall ensure that each eligible vet-  
 24 eran receiving personal care services under this section  
 25 from a primary personal care attendant designated under

1 subsection (c)(1) is visited in the veteran's home by an  
2 entity providing oversight under paragraph (1) at such  
3 frequency as the Secretary shall determine under para-  
4 graph (2) to determine if the care received by the veteran  
5 under this section meets the needs of the veteran.

6 “(3)(A) Except as provided in subparagraph (B), the  
7 Secretary shall determine the manner of oversight pro-  
8 vided under paragraph (1) and the frequency of visits  
9 under paragraph (2) for an eligible veteran as the Sec-  
10 retary considers commensurate with the needs of such eli-  
11 gible veteran.

12 “(B) The frequency of visits under paragraph (2) for  
13 an eligible veteran shall be not less frequent than once  
14 every six months.

15 “(4)(A) An entity visiting an eligible veteran under  
16 paragraph (2) shall submit to the Secretary the findings  
17 of the entity with respect to each visit, including whether  
18 the eligible veteran is receiving the care the eligible vet-  
19 eran requires.

20 “(B) If an entity finds under subparagraph (A) that  
21 an eligible veteran is not receiving the care the eligible  
22 veteran requires, the entity shall submit to the Secretary  
23 a recommendation on the corrective actions that should  
24 be taken to ensure that the eligible veteran receives the  
25 care the eligible veteran requires, including, if the entity

1 considers appropriate, a recommendation for revocation of  
 2 a caregiver's certification under subsection (d)(3) or rev-  
 3 ocation of the designation of an individual under sub-  
 4 section (e)(1).

5       “(5) After receiving findings and recommendations,  
 6 if any, under paragraph (4) with respect to an eligible vet-  
 7 eran, the Secretary may take such actions as the Secretary  
 8 considers appropriate to ensure that the eligible veteran  
 9 receives the care the eligible veteran requires, including  
 10 the following:

11           “(A) Revocation of a caregiver's certification  
 12       under subsection (d)(3).

13           “(B) Revocation of the designation of an indi-  
 14       vidual under subsection (e)(1).

15       “(6) If the Secretary terminates the provision of on-  
 16 going family caregiver assistance under subsection (f) to  
 17 a family member of an eligible veteran (or other individual  
 18 designated by the veteran) because of findings of an entity  
 19 submitted to the Secretary under paragraph (4) of this  
 20 subsection, the Secretary may not provide compensation  
 21 to such entity for the provision of personal care services  
 22 to such veteran, unless the Secretary determines it would  
 23 be in the best interest of the eligible veteran to provide  
 24 compensation to such entity to provide such services.

1       “(i) OUTREACH.—The Secretary shall carry out a  
 2 program of outreach to inform eligible veterans and their  
 3 family members of the availability and nature of family  
 4 caregiver assistance.

5       “(j) CONSTRUCTION.—A decision by the Secretary  
 6 under this section affecting the furnishing of family care-  
 7 giver assistance shall be considered a medical determina-  
 8 tion.

9       “(k) DEFINITIONS.—In this section:

10           “(1) The term ‘family caregiver assistance’ in-  
 11 cludes the instruction, preparation, training, and  
 12 certification provided under subsection (d) and the  
 13 ongoing family caregiver assistance provided under  
 14 subsection (f).

15           “(2) The term ‘family member’ includes, with  
 16 respect to a veteran, the following:

17                   “(A) The spouse of the veteran.

18                   “(B) The child of the veteran.

19                   “(C) A parent of the veteran.

20                   “(D) A sibling of the veteran.

21                   “(E) A cousin of the veteran.

22                   “(F) An aunt of the veteran.

23                   “(G) An uncle of the veteran.

24                   “(H) A grandparent of the veteran.

25                   “(I) A grandchild of the veteran.

- 1                   “(J) A stepparent of the veteran.
- 2                   “(K) A stepchild of the veteran.
- 3                   “(L) A stepsibling of the veteran.
- 4                   “(M) A parent-in-law of the veteran.
- 5                   “(N) A sister-in-law of the veteran.
- 6                   “(O) A brother-in-law of the veteran.
- 7                   “(P) A cousin of the spouse of the veteran.
- 8                   “(Q) An aunt of the spouse of the veteran.
- 9                   “(R) An uncle of the spouse of the veteran.
- 10                  “(S) A grandparent of the spouse of the
- 11                  veteran.
- 12                  “(T) A grandchild of the spouse of the vet-
- 13                  eran.
- 14                  “(U) A stepparent of the spouse of the vet-
- 15                  eran.
- 16                  “(V) A stepsibling of the spouse of the vet-
- 17                  eran.
- 18                  “(W) Such other individuals as the See-
- 19                  retary shall specify in regulations for purposes
- 20                  of this section.
- 21                  “(3) The term ‘personal care services’ includes
- 22                  the following:
- 23                   “(A) Supervision.
- 24                   “(B) Protection.

1           “(C) Services to assist a veteran with one  
2           or more independent activities of daily living.

3           “(D) Such other services as the Secretary  
4           considers appropriate.”.

5           (2) CLERICAL AMENDMENT.—The table of sec-  
6           tions at the beginning of chapter 17 of such title is  
7           amended by inserting after the item related to sec-  
8           tion 1717 the following new item:

“1717A. Family caregiver assistance.”.

9           (3) AUTHORIZATION FOR PROVISION OF  
10          HEALTH CARE TO PERSONAL CARE ATTENDANTS.—  
11          Section 1781(a) of such title is amended—

12                 (A) by redesignating paragraphs (2) and  
13                 (3) as paragraphs (3) and (4), respectively; and

14                 (B) by inserting after paragraph (1) the  
15                 following new paragraph (2):

16                 “(2) a family member of a veteran (or other in-  
17                 dividual designated by the veteran) designated as the  
18                 primary personal care attendant for such veteran  
19                 under section 1717A(c) of this title,”.

20           (4) CONSTRUCTION.—The furnishing of family  
21           caregiver assistance under section 1717A of title 38,  
22           United States Code, as added by paragraph (1),  
23           shall be construed to supplement and not supplant  
24           the programs of the Department of Veterans Affairs

1 in existence on the date of the enactment of this  
2 Act.

3 ~~(5) EFFECTIVE DATE.~~—The amendments made  
4 by this subsection shall take effect on the date that  
5 is 270 days after the date of the enactment of this  
6 Act.

7 ~~(b) IMPLEMENTATION PLAN AND REPORT.~~—

8 ~~(1) IN GENERAL.~~—Not later than 180 days  
9 after the date of the enactment of this Act, the Sec-  
10 retary of Veterans Affairs shall—

11 ~~(A) develop a plan for the implementation~~  
12 ~~of section 1717A of title 38, United States~~  
13 ~~Code, as added by subsection (a)(1); and~~

14 ~~(B) submit to the Committee on Veterans'~~  
15 ~~Affairs of the Senate and the Committee on~~  
16 ~~Veterans' Affairs of the House of Representa-~~  
17 ~~tives a report on such plan.~~

18 ~~(2) CONSULTATION.~~—In developing the plan re-  
19 quired by paragraph (1)(A), the Secretary shall con-  
20 sult with the following:

21 ~~(A) Veterans described in section 1717A(b)~~  
22 ~~of title 38, United States Code, as added by~~  
23 ~~subsection (a)(1).~~

24 ~~(B) Family members of veterans who pro-~~  
25 ~~vide personal care services to such veterans.~~

1           (C) Veterans service organizations, as rec-  
 2           ognized by the Secretary of Veterans Affairs for  
 3           the representation of veterans under section  
 4           5902 of title 38, United States Code.

5           (D) Relevant national organizations that  
 6           specialize in the provision of assistance to indi-  
 7           viduals with the types of disabilities that per-  
 8           sonal care attendants will encounter while pro-  
 9           viding personal care services under section  
 10          1717A of title 38, United States Code, as so  
 11          added.

12          (E) Such other organizations with an in-  
 13          terest in the provision of care to veterans as the  
 14          Secretary considers appropriate.

15          (F) The Secretary of Defense with respect  
 16          to matters concerning personal care services for  
 17          eligible veterans who are members of the Armed  
 18          Forces undergoing medical discharge from the  
 19          Armed Forces.

20          (3) REPORT CONTENTS.—The report required  
 21          by paragraph (1)(B) shall contain the following:

22               (A) The plan required by paragraph  
 23               (1)(A).



~~(B)~~ A description of the veterans, caregivers, and organizations consulted by the Secretary under paragraph ~~(2)~~.

~~(C)~~ A description of such consultations.

~~(D)~~ The recommendations of such veterans, caregivers, and organizations, if any, that were not incorporated into the plan required by paragraph ~~(1)(A)~~.

~~(E)~~ The reasons the Secretary did not incorporate such recommendations into such plan.

~~(c)~~ ANNUAL EVALUATION REPORT.—

~~(1)~~ IN GENERAL.—Not later than two years after the date described in subsection ~~(a)(4)~~ and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1717A of title 38, United States Code, as added by subsection ~~(a)(1)~~.

~~(2)~~ CONTENTS.—The report required by paragraph ~~(1)~~ shall include the following:

~~(A)~~ The number of family members of veterans (or other individuals designated by veterans) that received family caregiver assistance under such section 1717A.

1           (B) A description of the outreach activities  
2           carried out by the Secretary in accordance with  
3           subsection (i) of such section 1717A.

4           (C) The resources expended by the Sec-  
5           retary under such section 1717A.

6           (D) An assessment of the manner in which  
7           resources are expended by the Secretary under  
8           such section 1717A, particularly with respect to  
9           the provision of monthly personal caregiver sti-  
10          pends under subsection (f) of such section.

11          (E) A description of the outcomes achieved  
12          by, and any measurable benefits of, carrying  
13          out the requirements of such section 1717A.

14          (F) A justification of any determination  
15          made under subsection (b)(2) of such section  
16          1717A.

17          (G) An assessment of the effectiveness and  
18          the efficiency of the implementation of such sec-  
19          tion 1717A.

20          (H) An assessment of how the provision of  
21          family caregiver assistance fits into the con-  
22          tinuum of home health care services and bene-  
23          fits provided to veterans in need of such serv-  
24          ices and benefits.

1           ~~(I) Such recommendations, including rec-~~  
 2           ~~ommendations for legislative or administrative~~  
 3           ~~action, as the Secretary considers appropriate~~  
 4           ~~in light of carrying out the requirements of~~  
 5           ~~such section 1717A.~~

6 **SEC. 4. LODGING AND SUBSISTENCE FOR ATTENDANTS.**

7       Section 111(e) of title 38, United States Code, is  
 8 amended—

9           ~~(1) by striking “When any” and inserting “(1)~~  
 10       ~~When any”;~~

11           ~~(2) in paragraph (1), as designated by para-~~  
 12       ~~graph (1) of this subsection—~~

13           ~~(A) by inserting “(including lodging and~~  
 14       ~~subsistence)” after “expenses of travel”; and~~

15           ~~(B) by inserting before the period at the~~  
 16       ~~end the following: “for the period consisting of~~  
 17       ~~travel to and from a treatment facility and the~~  
 18       ~~duration of the treatment episode”; and~~

19           ~~(3) by adding at the end the following:~~

20       ~~“(2) The Secretary may prescribe regulations to~~  
 21       ~~carry out this subsection. Such regulations may include~~  
 22       ~~provisions—~~

23           ~~“(A) to limit the number of individuals that~~  
 24       ~~may receive expenses of travel under paragraph (1)~~  
 25       ~~for a single treatment episode of a person; and~~

1           “(B) to require attendants to use certain travel  
2       services:

3       “(3) In this subsection:

4           “(A) The term ‘attendant’ includes, with re-  
5       spect to a person described in paragraph (1), the fol-  
6       lowing:

7           “(i) A family member of the person:

8           “(ii) An individual certified as a personal  
9       care attendant under section 1717A(d)(3) of  
10      this title.

11          “(iii) Any other individual whom the Sec-  
12      retary determines—

13           “(I) has a preexisting relationship  
14      with the person; and

15           “(II) provides a significant portion of  
16      the person’s care.

17          “(B) The term ‘family member’ includes, with  
18      respect to a person described in paragraph (1), the  
19      following:

20           “(i) The spouse of the person.

21           “(ii) The child of the person.

22           “(iii) A parent of the person.

23           “(iv) A sibling of the person.

24           “(v) A cousin of the person.

25           “(vi) An aunt of the person.

- 1                   “(vii) An uncle of the person.
- 2                   “(viii) A grandparent of the person.
- 3                   “(ix) A grandchild of the person.
- 4                   “(x) A stepparent of the person.
- 5                   “(xi) A stepchild of the person.
- 6                   “(xii) A stepsibling of the person.
- 7                   “(xiii) A parent-in-law of the person.
- 8                   “(xiv) A sister-in-law of the person.
- 9                   “(xv) A brother-in-law of the person.
- 10                  “(xvi) A cousin of the spouse of the per-
- 11                  son.
- 12                  “(xvii) An aunt of the spouse of the per-
- 13                  son.
- 14                  “(xviii) An uncle of the spouse of the per-
- 15                  son.
- 16                  “(xix) A grandparent of the spouse of the
- 17                  person.
- 18                  “(xx) A grandchild of the spouse of the
- 19                  person.
- 20                  “(xxi) A stepparent of the spouse of the
- 21                  person.
- 22                  “(xxii) A stepsibling of the spouse of the
- 23                  person.

1                   ~~“(xxiii) Such other individuals as the Sec-~~  
 2                   ~~retary shall specify in regulations for purposes~~  
 3                   ~~of this subsection.”.~~

4   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

5           (a) *SHORT TITLE.*—*This Act may be cited as the*  
 6   *“Caregiver and Veterans Health Services Act of 2009”.*

7           (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 8   *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. References to title 38, United States Code.*

**TITLE I—CAREGIVER SUPPORT**

*Sec. 101. Waiver of charges for humanitarian care provided to family members  
 accompanying certain severely injured veterans as they receive  
 medical care.*

*Sec. 102. Family caregiver assistance.*

*Sec. 103. Lodging and subsistence for attendants.*

*Sec. 104. Survey of informal caregivers.*

**TITLE II—RURAL HEALTH IMPROVEMENTS**

*Sec. 201. Enhancement of Department of Veterans Affairs Education Debt Reduc-  
 tion Program.*

*Sec. 202. Visual impairment and orientation and mobility professionals edu-  
 cation assistance program.*

*Sec. 203. Inclusion of Department of Veterans Affairs facilities in list of facilities  
 eligible for assignment of participants in National Health Serv-  
 ice Corps Scholarship Program.*

*Sec. 204. Teleconsultation and telemedicine.*

*Sec. 205. Demonstration projects on alternatives for expanding care for veterans  
 in rural areas.*

*Sec. 206. Program on provision of readjustment and mental health care services  
 to veterans who served in Operation Iraqi Freedom and Oper-  
 ation Enduring Freedom.*

*Sec. 207. Improvement of care of American Indian veterans.*

*Sec. 208. Travel reimbursement for veterans receiving treatment at facilities of  
 the Department of Veterans Affairs.*

*Sec. 209. Office of Rural Health five-year strategic plan.*

*Sec. 210. Oversight of contract and fee-basis care.*

*Sec. 211. Enhancement of Vet Centers to meet needs of veterans of Operation  
 Iraqi Freedom and Operation Enduring Freedom.*

*Sec. 212. Centers of excellence for rural health research, education, and clinical  
 activities.*

*Sec. 213. Pilot program on incentives for physicians who assume inpatient re-  
 sponsibilities at community hospitals in health professional  
 shortage areas.*

*Sec. 214. Annual report on matters related to care for veterans who live in rural areas.*

*Sec. 215. Transportation grants for rural veterans service organizations.*

### **TITLE III—OTHER HEALTH CARE MATTERS**

*Sec. 301. Expansion of veteran eligibility for reimbursement by Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility.*

*Sec. 302. Prohibition on collection of copayments from veterans who are catastrophically disabled.*

### **TITLE IV—CONSTRUCTION AND NAMING MATTERS**

*Sec. 401. Major medical facility project Department of Veterans Affairs Medical Center, Walla Walla, Washington.*

*Sec. 402. Merrill Lundman Department of Veterans Affairs Outpatient Clinic.*

## **1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2       *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of title 38, United States Code.*

## **7 TITLE I—CAREGIVER SUPPORT**

### **8 SEC. 101. WAIVER OF CHARGES FOR HUMANITARIAN CARE**

9                   **PROVIDED TO FAMILY MEMBERS ACCOM-**  
 10                   **PANYING CERTAIN SEVERELY INJURED VET-**  
 11                   **ERANS AS THEY RECEIVE MEDICAL CARE.**

12       *The text of section 1784 is amended to read as follows:*

13       “(a) *IN GENERAL.*—*The Secretary may furnish hos-*  
 14 *pital care or medical services as a humanitarian service*  
 15 *in emergency cases.*

16       “(b) *REIMBURSEMENT.*—*Except as provided in sub-*  
 17 *section (c), the Secretary shall charge for care and services*

1 *provided under subsection (a) at rates prescribed by the*  
 2 *Secretary.*

3       “(c) *WAIVER OF CHARGES.—(1) Except as provided*  
 4 *in paragraph (2), the Secretary shall waive the charges re-*  
 5 *quired by subsection (b) for care or services provided under*  
 6 *subsection (a) to an attendant of a covered veteran if such*  
 7 *care or services are provided to such attendant for an emer-*  
 8 *gency that occurs while such attendant is accompanying*  
 9 *such veteran while such veteran is receiving approved inpa-*  
 10 *tient or outpatient treatment at—*

11               “(A) *a Department facility; or*

12               “(B) *a non-Department facility—*

13                       “(i) *that is under contract with the Depart-*  
 14 *ment; or*

15                       “(ii) *at which the veteran is receiving fee-*  
 16 *basis care.*

17       “(2) *If an attendant is entitled to care or services*  
 18 *under a health-plan contract (as that term is defined in*  
 19 *section 1725(f) of this title) or other contractual or legal*  
 20 *recourse against a third party that would, in part, extin-*  
 21 *guish liability for charges described by subsection (b), the*  
 22 *amount of such charges waived under paragraph (1) shall*  
 23 *be the amount by which such charges exceed the amount*  
 24 *of such charges covered by the health-plan contract or other*  
 25 *contractual or legal recourse against the third party.*



1       “(d) *DEFINITIONS.—In this section:*

2               “(1) *The term ‘attendant’, with respect to a vet-*  
3 *eran, includes the following:*

4                       “(A) *A family member of the veteran.*

5                       “(B) *An individual eligible to receive ongo-*  
6 *ing family caregiver assistance under section*  
7 *1717A(e)(1) of this title for the provision of per-*  
8 *sonal care services to the veteran.*

9                       “(C) *Any other individual whom the Sec-*  
10 *retary determines—*

11                               “(i) *has a relationship with the veteran*  
12 *sufficient to demonstrate a close affinity*  
13 *with the veteran; and*

14                               “(ii) *provides a significant portion of*  
15 *the veteran’s care.*

16               “(2) *The term ‘covered veteran’ means any vet-*  
17 *eran with a severe injury incurred or aggravated in*  
18 *the line of duty in the active military, naval, or air*  
19 *service on or after September 11, 2001.*

20               “(3) *The term ‘family member’ shall have such*  
21 *meaning as the Secretary shall determine by policy or*  
22 *regulation.*

23               “(4) *The term ‘severe injury’, in the case of a*  
24 *covered veteran, means any physiological, psycho-*  
25 *logical, or neurological condition that renders a vet-*

1        *eran unable to live independently as determined by*  
 2        *the Secretary.”.*

3    **SEC. 102. FAMILY CAREGIVER ASSISTANCE.**

4        *(a) REQUIREMENT.—*

5                *(1) IN GENERAL.—Subchapter II of chapter 17 is*  
 6        *amended by inserting after section 1717 the following*  
 7        *new section:*

8    **“§ 1717A. Family caregiver assistance**

9        *“(a) IN GENERAL.—(1) As part of home health services*  
 10    *provided under section 1717 of this title, the Secretary shall,*  
 11    *upon the joint application of an eligible veteran and a fam-*  
 12    *ily member of such veteran (or other individual designated*  
 13    *by such veteran), furnish to such family member (or des-*  
 14    *ignee) family caregiver assistance in accordance with this*  
 15    *section. The purpose of providing family caregiver assist-*  
 16    *ance under this section is—*

17                *“(A) to reduce the number of veterans who are*  
 18        *receiving institutional care, or who are in need of in-*  
 19        *stitutional care, whose personal care service needs*  
 20        *could be substantially satisfied with the provision of*  
 21        *such services by a family member (or designee); and*

22                *“(B) to provide eligible veterans with additional*  
 23        *options so that they can choose the setting for the re-*  
 24        *ceipt of personal care services that best suits their*  
 25        *needs.*

1       “(2) *The Secretary shall only furnish family caregiver*  
 2 *assistance under this section to a family member of an eligi-*  
 3 *ble veteran (or other individual designated by such veteran)*  
 4 *if the Secretary determines it is in the best interest of the*  
 5 *eligible veteran to do so.*

6       “(b) *ELIGIBLE VETERANS.—(1) For purposes of this*  
 7 *section, an eligible veteran is a veteran (or member of the*  
 8 *Armed Forces undergoing medical discharge from the*  
 9 *Armed Forces)—*

10           “(A) *who has a serious injury (including trau-*  
 11 *matic brain injury, psychological trauma, or other*  
 12 *mental disorder) incurred or aggravated in the line of*  
 13 *duty in the active military, naval, or air service on*  
 14 *or after the date described in paragraph (2); and*

15           “(B) *whom the Secretary determines, in con-*  
 16 *sultation with the Secretary of Defense as necessary,*  
 17 *is in need of personal care services because of—*

18                   “(i) *an inability to perform one or more*  
 19 *independent activities of daily living;*

20                   “(ii) *a need for supervision or protection*  
 21 *based on symptoms or residuals of neurological*  
 22 *or other impairment or injury; or*

23                   “(iii) *such other matters as the Secretary*  
 24 *shall establish in consultation with the Secretary*  
 25 *of Defense as appropriate.*

1       “(2) *The date described in this paragraph—*

2               “(A) *during the period beginning on the date of*  
 3       *the enactment of the Caregiver and Veterans Health*  
 4       *Services Act of 2009 and ending two years after the*  
 5       *date of the enactment of that Act, is September 11,*  
 6       *2001; and*

7               “(B) *beginning on the first day after the date*  
 8       *that is two years after the date of the enactment of*  
 9       *the Caregiver and Veterans Health Services Act of*  
 10       *2009, is the earliest date the Secretary determines is*  
 11       *appropriate to include the largest number of veterans*  
 12       *(and members of the Armed Forces) possible under*  
 13       *this section without reducing the quality of care pro-*  
 14       *vided to such veterans (and members).*

15       “(c) *EVALUATION OF ELIGIBLE VETERANS AND FAM-*  
 16       *ILY CAREGIVERS.—(1) The Secretary shall evaluate each el-*  
 17       *igible veteran who makes a joint application under sub-*  
 18       *section (a)(1)—*

19               “(A) *to identify the personal care services re-*  
 20       *quired by such veteran; and*

21               “(B) *to determine whether such requirements*  
 22       *could be significantly or substantially satisfied with*  
 23       *the provision of personal care services from a family*  
 24       *member (or other individual designated by the vet-*  
 25       *eran).*

1       “(2) *The Secretary shall evaluate each family member*  
 2 *of an eligible veteran (or other individual designated by the*  
 3 *veteran) who makes a joint application under subsection*  
 4 *(a)(1) to determine—*

5               “(A) *the basic amount of instruction, prepara-*  
 6 *tion, and training such family member (or designee)*  
 7 *requires, if any, to provide the personal care services*  
 8 *required by such veteran; and*

9               “(B) *the amount of additional instruction, prep-*  
 10 *aration, and training such family member (or des-*  
 11 *ignee) requires, if any, to be the primary personal*  
 12 *care attendant designated for such veteran under sub-*  
 13 *section (e).*

14       “(3) *An evaluation carried out under paragraph (1)*  
 15 *may be carried out—*

16               “(A) *at a Department facility;*

17               “(B) *at a non-Department facility determined*  
 18 *appropriate by the Secretary for purposes of such*  
 19 *evaluation; and*

20               “(C) *at such other locations as the Secretary con-*  
 21 *siders appropriate.*

22       “(d) *TRAINING AND APPROVAL.—(1) Except as pro-*  
 23 *vided in subsection (a)(2), the Secretary shall provide each*  
 24 *family member of an eligible veteran (or other individual*  
 25 *designated by the veteran) who makes a joint application*

1 *under subsection (a)(1) the basic instruction, preparation,*  
2 *and training determined to be required by such family*  
3 *member (or designee) under subsection (c)(2)(A).*

4       “(2) *The Secretary may provide to a family member*  
5 *of an eligible veteran (or other individual designated by the*  
6 *veteran) the additional instruction, preparation, and train-*  
7 *ing determined to be required by such family member (or*  
8 *designee) under subsection (c)(2)(B) if such family member*  
9 *(or designee)—*

10           “(A) *is approved as a personal care attendant*  
11 *for the veteran under paragraph (3); and*

12           “(B) *requests, with concurrence of the veteran,*  
13 *such additional instruction, preparation, and train-*  
14 *ing.*

15       “(3) *Upon the successful completion by a family mem-*  
16 *ber of an eligible veteran (or other individual designated*  
17 *by the veteran) of basic instruction, preparation, and train-*  
18 *ing provided under paragraph (1), the Secretary shall ap-*  
19 *prove the family member as a personal care attendant for*  
20 *the veteran.*

21       “(4) *If the Secretary determines that a primary per-*  
22 *sonal care attendant designated under subsection (e) re-*  
23 *quires additional training to maintain such designation,*  
24 *the Secretary shall make such training available to the pri-*  
25 *mary personal care attendant.*

1       “(5) *The Secretary shall, subject to regulations the Sec-*  
 2 *retary shall prescribe, provide for necessary travel, lodging,*  
 3 *and per diem expenses incurred by a family member of an*  
 4 *eligible veteran (or other individual designated by the vet-*  
 5 *eran) in undergoing training under this subsection.*

6       “(6) *If the participation of a family member of an eli-*  
 7 *gible veteran (or other individual designated by the veteran)*  
 8 *in training under this subsection would interfere with the*  
 9 *provision of personal care services to the veteran, the Sec-*  
 10 *retary shall, subject to regulations as the Secretary shall*  
 11 *prescribe and in consultation with the veteran, provide res-*  
 12 *pite care to the veteran during the provision of such train-*  
 13 *ing to the family member so that such family caregiver (or*  
 14 *designee) can participate in such training without inter-*  
 15 *fering with the provision of such services.*

16       “(e) *DESIGNATION OF PRIMARY PERSONAL CARE AT-*  
 17 *TENDANT.—(1) For each eligible veteran with at least one*  
 18 *family member (or other individual designated by the vet-*  
 19 *eran) who is described by subparagraphs (A) through (E)*  
 20 *of paragraph (2), the Secretary shall designate one family*  
 21 *member of such veteran (or other individual designated by*  
 22 *the veteran) as the primary personal care attendant for*  
 23 *such veteran to be the primary provider of personal care*  
 24 *services for such veteran.*

1       “(2) *A primary personal care attendant designated for*  
 2 *an eligible veteran under paragraph (1) shall be selected*  
 3 *from among family members of such veteran (or other indi-*  
 4 *viduals designated by such veteran) who—*

5               “(A) *are approved under subsection (d)(3) as a*  
 6 *personal care attendant for such veteran;*

7               “(B) *complete all additional instruction, prepa-*  
 8 *ration, and training, if any, provided under sub-*  
 9 *section (d)(2);*

10              “(C) *elect to provide the personal care services to*  
 11 *such veteran that the Secretary determines such vet-*  
 12 *eran requires under subsection (c)(1);*

13              “(D) *has the consent of such veteran to be the*  
 14 *primary provider of such services for such veteran;*  
 15 *and*

16              “(E) *the Secretary considers competent to be the*  
 17 *primary provider of such services for such veteran.*

18       “(3) *An eligible veteran receiving personal care serv-*  
 19 *ices from a family member (or other individual designated*  
 20 *by the veteran) designated as the primary personal care at-*  
 21 *tendant for the veteran under paragraph (1) may revoke*  
 22 *consent with respect to such family member (or designee)*  
 23 *under paragraph (2)(D) at any time.*

24       “(4) *If an individual designated as the primary per-*  
 25 *sonal care attendant of an eligible veteran under paragraph*



1 *(1) subsequently fails to meet the requirements set forth in*  
 2 *paragraph (2), the Secretary—*

3 *“(A) shall immediately revoke the individual’s*  
 4 *designation under paragraph (1); and*

5 *“(B) may designate, in consultation with the eli-*  
 6 *gible veteran or the eligible veteran’s surrogate ap-*  
 7 *pointed under subsection (g), a new primary personal*  
 8 *care attendant for the veteran under such paragraph.*

9 *“(5) The Secretary shall take such actions as may be*  
 10 *necessary to ensure that the revocation of a designation*  
 11 *under paragraph (1) does not interfere with the provision*  
 12 *of personal care services required by a veteran.*

13 *“(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—(1)*  
 14 *Except as provided in subsection (a)(2) and subject to the*  
 15 *provisions of this subsection, the Secretary shall provide on-*  
 16 *going family caregiver assistance to family members of eli-*  
 17 *gible veterans (or other individuals designated by such vet-*  
 18 *erans) as follows:*

19 *“(A) To each family member of an eligible vet-*  
 20 *eran (or designee) who is approved under subsection*  
 21 *(d)(3) as a personal care attendant for the veteran the*  
 22 *following:*

23 *“(i) Direct technical support consisting of*  
 24 *information and assistance to timely address*

1           *routine, emergency, and specialized caregiving*  
 2           *needs.*

3           “(ii) *Counseling.*

4           “(iii) *Access to an interactive Internet*  
 5           *website on caregiver services that addresses all*  
 6           *aspects of the provision of personal care services*  
 7           *under this section.*

8           “(B) *To each family member of an eligible vet-*  
 9           *eran (or designee) who is designated as the primary*  
 10          *personal care attendant for the veteran under sub-*  
 11          *section (e) the following:*

12           “(i) *The ongoing family caregiver assistance*  
 13           *described in subparagraph (A).*

14           “(ii) *Mental health services.*

15           “(iii) *Respite care of not less than 30 days*  
 16           *annually, including 24-hour per day care of the*  
 17           *veteran commensurate with the care provided by*  
 18           *the family caregiver to permit extended respite.*

19           “(iv) *Medical care under section 1781 of*  
 20           *this title if such family member (or designee) is*  
 21           *not entitled to care or services under a health-*  
 22           *plan contract (as defined in section 1725(f) of*  
 23           *this title).*

24           “(v) *A monthly personal caregiver stipend.*

1       “(2)(A) *The Secretary shall provide respite care under*  
 2 *paragraph (1)(B)(iii), at the election of the Secretary—*

3               *“(i) through facilities of the Department that are*  
 4 *appropriate for the veteran; or*

5               *“(ii) through contracts under section 1720B(c) of*  
 6 *this title.*

7       “(B) *If the primary personal care attendant of an eli-*  
 8 *gible veteran designated under subsection (e)(1) determines*  
 9 *in consultation with the veteran or the veteran’s surrogate*  
 10 *appointed under subsection (g), and the Secretary concurs,*  
 11 *that the needs of the veteran cannot be accommodated*  
 12 *through the facilities and contracts described in subpara-*  
 13 *graph (A), the Secretary shall, in consultation with the pri-*  
 14 *mary personal care attendant and the veteran (or the vet-*  
 15 *eran’s surrogate), provide respite care through other facili-*  
 16 *ties or arrangements that are medically and age appro-*  
 17 *priate.*

18       “(3) *If the Secretary determines that the Department*  
 19 *lacks the capacity to furnish medical care under clause (iv)*  
 20 *of paragraph (1)(B), the Secretary may contract, in accord-*  
 21 *ance with such regulations as the Secretary shall prescribe,*  
 22 *for such insurance, medical services, or health plans as the*  
 23 *Secretary considers appropriate to furnish such medical*  
 24 *care.*

1       “(4)(A) *The Secretary shall provide monthly personal*  
2 *caregiver stipends under paragraph (1)(B)(v) in accordance*  
3 *with a schedule established by the Secretary that specifies*  
4 *stipends provided based upon the amount and degree of per-*  
5 *sonal care services provided.*

6       “(B) *The Secretary shall ensure, to the extent prac-*  
7 *ticable, that the schedule required by subparagraph (A)*  
8 *specifies that the amount of the personal caregiver stipend*  
9 *provided to a primary personal care attendant designated*  
10 *under subsection (e)(1) for the provision of personal care*  
11 *services to an eligible veteran is not less than the amount*  
12 *a commercial home health care entity would pay an indi-*  
13 *vidual in the geographic area of the veteran to provide*  
14 *equivalent personal care services to the veteran.*

15       “(C) *If personal care services are not available from*  
16 *a commercial provider in the geographic area of an eligible*  
17 *veteran, the Secretary may establish the schedule required*  
18 *by subparagraph (A) with respect to the veteran by consid-*  
19 *ering the costs of commercial providers of personal care*  
20 *services in geographic areas other than the geographic area*  
21 *of the veteran with similar costs of living.*

22       “(5) *Provision of ongoing family caregiver assistance*  
23 *under this subsection for provision of personal care services*  
24 *to an eligible veteran shall terminate if the veteran no*  
25 *longer requires the personal care services.*

1       “(g) *SURROGATES.*—If an eligible veteran lacks the ca-  
 2   *capacity to submit an application, provide consent, make a*  
 3   *request, or concur with a request under this section, the Sec-*  
 4   *retary may, in accordance with regulations and policies of*  
 5   *the Department regarding the appointment of guardians or*  
 6   *the use of powers of attorney, appoint a surrogate for the*  
 7   *veteran who may submit applications, provide consent,*  
 8   *make requests, or concur with requests on behalf of the vet-*  
 9   *eran under this section.*

10       “(h) *OVERSIGHT.*—(1) *The Secretary shall enter into*  
 11   *contracts with appropriate entities to provide oversight of*  
 12   *the provision of personal care services under this section*  
 13   *by primary personal care attendants designated under sub-*  
 14   *section (e)(1).*

15       “(2) *The Secretary shall ensure that each eligible vet-*  
 16   *eran receiving personal care services under this section from*  
 17   *a primary personal care attendant designated under sub-*  
 18   *section (e)(1) is visited in the veteran’s home by an entity*  
 19   *providing oversight under paragraph (1) at such frequency*  
 20   *as the Secretary shall determine under paragraph (3).*

21       “(3)(A) *Except as provided in subparagraph (B), the*  
 22   *Secretary shall determine the manner of oversight provided*  
 23   *under paragraph (1) and the frequency of visits under*  
 24   *paragraph (2) for an eligible veteran as the Secretary con-*  
 25   *siders commensurate with the needs of such veteran.*

1       “(B) *The frequency of visits under paragraph (2) for*  
 2 *an eligible veteran shall be not less frequent than once every*  
 3 *six months.*

4       “(4)(A) *An entity visiting an eligible veteran under*  
 5 *paragraph (2) shall submit to the Secretary the findings*  
 6 *of the entity with respect to each visit, including whether*  
 7 *the veteran is receiving the care the veteran requires.*

8       “(B) *If an entity finds under subparagraph (A) that*  
 9 *an eligible veteran is not receiving the care the veteran re-*  
 10 *quires, the entity shall submit to the Secretary a rec-*  
 11 *ommendation on the corrective actions that should be taken*  
 12 *to ensure that the veteran receives the care the veteran re-*  
 13 *quires, including, if the entity considers appropriate, a rec-*  
 14 *ommendation for revocation of a caregiver’s approval under*  
 15 *subsection (d)(3) or revocation of the designation of an indi-*  
 16 *vidual under subsection (e)(1).*

17       “(5) *After receiving findings and recommendations, if*  
 18 *any, under paragraph (4) with respect to an eligible vet-*  
 19 *eran, the Secretary may take such actions as the Secretary*  
 20 *considers appropriate to ensure that the veteran receives the*  
 21 *care the veteran requires, including the following:*

22               “(A) *Revocation of a caregiver’s approval under*  
 23 *subsection (d)(3).*

24               “(B) *Revocation of the designation of an indi-*  
 25 *vidual under subsection (e)(1).*

1       “(6) *If the Secretary terminates the provision of ongoing family caregiver assistance under subsection (f) to a family member of an eligible veteran (or other individual designated by the veteran) because of findings of an entity submitted to the Secretary under paragraph (4), the Secretary may not provide compensation to such entity for the provision of personal care services to such veteran, unless the Secretary determines it would be in the best interest of such veteran to provide compensation to such entity to provide such services.*

11       “(i) *OUTREACH.—The Secretary shall carry out a program of outreach to inform eligible veterans and their family members of the availability and nature of family caregiver assistance under this section.*

15       “(j) *CONSTRUCTION.—(1) A decision by the Secretary under this section affecting the furnishing of family caregiver assistance shall be considered a medical determination.*

19       “(2) *Nothing in this section shall be construed to create an employment relationship between the Secretary and an individual in receipt of family caregiver assistance under this section.*

23       “(3) *Nothing in this section shall be construed to create any entitlement to any services or stipends provided under this section.*

1       “(k) *DEFINITIONS.—In this section:*

2               “(1) *The term ‘family caregiver assistance’ in-*  
 3       *cludes the instruction, preparation, training, and ap-*  
 4       *proval provided under subsection (d) and the ongoing*  
 5       *family caregiver assistance provided under subsection*  
 6       *(f).*

7               “(2) *The term ‘family member’ shall have such*  
 8       *meaning as the Secretary shall determine by policy or*  
 9       *regulation.*

10              “(3) *The term ‘personal care services’, with re-*  
 11       *spect to a veteran, includes the following:*

12                      “(A) *Supervision of the veteran.*

13                      “(B) *Protection of the veteran.*

14                      “(C) *Services to assist the veteran with one*  
 15       *or more independent activities of daily living.*

16                      “(D) *Such other services as the Secretary*  
 17       *considers appropriate.”.*

18              “(2) *CLERICAL AMENDMENT.—The table of sec-*  
 19       *tions at the beginning of chapter 17 is amended by*  
 20       *inserting after the item related to section 1717 the fol-*  
 21       *lowing new item:*

*“1717A. Family caregiver assistance.”.*

22              “(3) *AUTHORIZATION FOR PROVISION OF HEALTH*  
 23       *CARE TO PERSONAL CARE ATTENDANTS.—Section*  
 24       *1781(a) is amended—*



1           (A) by redesignating paragraphs (2) and  
 2           (3) as paragraphs (3) and (4), respectively; and  
 3           (B) by inserting after paragraph (1) the fol-  
 4           lowing new paragraph (2):

5           “(2) a family member of a veteran (or other in-  
 6           dividual designated by the veteran) designated as the  
 7           primary personal care attendant for such veteran  
 8           under section 1717A(e) of this title who is not entitled  
 9           to care or services under a health-plan contract (as  
 10          defined in section 1725(f) of this title),”.

11          (4) CONSTRUCTION.—Any family caregiver as-  
 12          sistance furnished under section 1717A of title 38,  
 13          United States Code, as added by paragraph (1), is in  
 14          addition to any family caregiver assistance furnished  
 15          under other programs of the Department of Veterans  
 16          Affairs as of the date of the enactment of this Act.

17          (5) EFFECTIVE DATE.—The amendments made  
 18          by this subsection shall take effect on the date that is  
 19          270 days after the date of the enactment of this Act.

20          (b) IMPLEMENTATION PLAN AND REPORT.—

21               (1) IN GENERAL.—Not later than 180 days after  
 22          the date of the enactment of this Act, the Secretary of  
 23          Veterans Affairs shall—

1           (A) develop a plan for the implementation  
2 of section 1717A of title 38, United States Code,  
3 as added by subsection (a)(1); and

4           (B) submit to the Committee on Veterans'  
5 Affairs of the Senate and the Committee on Vet-  
6 erans' Affairs of the House of Representatives a  
7 report on such plan.

8           (2) CONSULTATION.—In developing the plan re-  
9 quired by paragraph (1)(A), the Secretary shall con-  
10 sult with the following:

11           (A) Veterans described in section 1717A(b)  
12 of title 38, United States Code, as added by sub-  
13 section (a)(1).

14           (B) Family members of veterans who pro-  
15 vide personal care services to such veterans.

16           (C) Veterans service organizations, as recog-  
17 nized by the Secretary of Veterans Affairs for the  
18 representation of veterans under section 5902 of  
19 title 38, United States Code.

20           (D) National organizations that specialize  
21 in the provision of assistance to individuals with  
22 the types of disabilities that personal care at-  
23 tendants will encounter while providing personal  
24 care services under section 1717A of title 38,  
25 United States Code, as so added.

1           (E) *Such other organizations with an inter-*  
 2           *est in the provision of care to veterans as the*  
 3           *Secretary considers appropriate.*

4           (F) *The Secretary of Defense with respect to*  
 5           *matters concerning personal care services for*  
 6           *members of the Armed Forces undergoing med-*  
 7           *ical discharge from the Armed Forces who are el-*  
 8           *igible to benefit from family caregiver assistance*  
 9           *furnished under section 1717A of title 38, United*  
 10          *States Code, as so added.*

11          (3) *REPORT CONTENTS.—The report required by*  
 12          *paragraph (1)(B) shall contain the following:*

13               (A) *The plan required by paragraph (1)(A).*

14               (B) *A description of the veterans, care-*  
 15               *givers, and organizations consulted by the Sec-*  
 16               *retary under paragraph (2).*

17               (C) *A description of such consultations.*

18               (D) *The recommendations of such veterans,*  
 19               *caregivers, and organizations, if any, that were*  
 20               *not incorporated into the plan required by para-*  
 21               *graph (1)(A).*

22               (E) *The reasons the Secretary did not in-*  
 23               *corporate such recommendations into such plan.*

24          (c) *ANNUAL EVALUATION REPORT.—*

1           (1) *IN GENERAL.*—Not later than two years after  
2           the date described in subsection (a)(5) and annually  
3           thereafter, the Secretary shall submit to the Com-  
4           mittee on Veterans’ Affairs of the Senate and the  
5           Committee on Veterans’ Affairs of the House of Rep-  
6           resentatives a comprehensive report on the implemen-  
7           tation of section 1717A of title 38, United States  
8           Code, as added by subsection (a)(1).

9           (2) *CONTENTS.*—The report required by para-  
10          graph (1) shall include the following:

11                (A) *The number of family members (or*  
12                *other designated individuals) of veterans or*  
13                *members of the Armed Forces that received fam-*  
14                *ily caregiver assistance under such section*  
15                *1717A.*

16                (B) *A description of the outreach activities*  
17                *carried out by the Secretary in accordance with*  
18                *subsection (i) of such section 1717A.*

19                (C) *The resources expended by the Secretary*  
20                *under such section 1717A.*

21                (D) *An assessment of the manner in which*  
22                *resources are expended by the Secretary under*  
23                *such section 1717A, particularly with respect to*  
24                *the provision of monthly personal caregiver sti-*  
25                *pends under subsection (f) of such section.*

1           (E) A description of the outcomes achieved  
 2           by, and any measurable benefits of, carrying out  
 3           the requirements of such section 1717A.

4           (F) A justification of any determination  
 5           made under subsection (b)(2) of such section  
 6           1717A.

7           (G) An assessment of the effectiveness and  
 8           the efficiency of the implementation of such sec-  
 9           tion 1717A.

10          (H) An assessment of how the provision of  
 11          family caregiver assistance fits into the con-  
 12          tinuum of home health care services and benefits  
 13          provided to veterans in need of such services and  
 14          benefits.

15          (I) Such recommendations, including rec-  
 16          ommendations for legislative or administrative  
 17          action, as the Secretary considers appropriate in  
 18          light of carrying out the requirements of such  
 19          section 1717A.

20   **SEC. 103. LODGING AND SUBSISTENCE FOR ATTENDANTS.**

21       Section 111(e) is amended—

22           (1) by striking “When any” and inserting “(1)  
 23       When any”;

24           (2) in paragraph (1), as designated by para-  
 25       graph (1) of this subsection—

1           (A) by inserting “(including lodging and  
2           subsistence)” after “expenses of travel”; and

3           (B) by inserting before the period at the end  
4           the following: “for the period consisting of travel  
5           to and from a treatment facility and the dura-  
6           tion of the treatment episode at that facility”;  
7           and

8           (3) by adding at the end the following:

9           “(2) The Secretary may prescribe regulations to carry  
10          out this subsection. Such regulations may include provi-  
11          sions—

12           “(A) to limit the number of individuals that  
13          may receive expenses of travel under paragraph (1)  
14          for a single treatment episode of a person; and

15           “(B) to require attendants to use certain travel  
16          services.

17          “(3) In this subsection:

18           “(A) The term ‘attendant’ includes, with respect  
19          to a person described in paragraph (1), the following:

20           “(i) A family member of the person.

21           “(ii) An individual approved as a personal  
22          care attendant under section 1717A(d)(3) of this  
23          title.

24           “(iii) Any other individual whom the Sec-  
25          retary determines—

1                   “(I) has a preexisting relationship  
2                   with the person; and

3                   “(II) provides a significant portion of  
4                   the person’s care.

5                   “(B) The term ‘family member’ shall have such  
6                   meaning as the Secretary shall determine by policy or  
7                   regulation.”.

8   **SEC. 104. SURVEY OF INFORMAL CAREGIVERS.**

9           (a) *IN GENERAL.*—The Secretary of Veterans Affairs  
10 shall, in collaboration with the Secretary of Defense, con-  
11 duct a national survey of family caregivers of seriously dis-  
12 abled veterans and members of the Armed Forces to better  
13 understand the size and characteristics of the population  
14 of such caregivers and the types of care they provide such  
15 veterans and members.

16          (b) *REPORT.*—Not later than 540 days after the date  
17 of the enactment of this Act, the Secretary of Veterans Af-  
18 fairs shall, in collaboration with the Secretary of Defense,  
19 submit to Congress a report containing the findings of the  
20 Secretary with respect to the survey conducted under sub-  
21 section (a). Results of the survey shall be disaggregated by  
22 the following:

23               (1) *Veterans and members of the Armed Forces.*

1           (2) *Veterans and members of the Armed Forces*  
 2           *who served in Operation Iraqi Freedom or Operation*  
 3           *Enduring Freedom.*

4           (3) *Veterans and members of the Armed Forces*  
 5           *who live in rural areas.*

6           ***TITLE II—RURAL HEALTH***  
 7           ***IMPROVEMENTS***

8   ***SEC. 201. ENHANCEMENT OF DEPARTMENT OF VETERANS***  
 9           ***AFFAIRS EDUCATION DEBT REDUCTION PRO-***  
 10          ***GRAM.***

11          (a) *ENHANCED MAXIMUM ANNUAL AMOUNT.—Para-*  
 12          *graph (1) of section 7683(d) is amended by striking*  
 13          *“\$44,000” and all that follows through “fifth years of par-*  
 14          *ticipation in the Program” and inserting “the total amount*  
 15          *of principle and interest owed by the participant on loans*  
 16          *referred to in subsection (a)”.*

17          (b) *NOTICE TO POTENTIAL EMPLOYEES OF ELIGI-*  
 18          *BILITY AND SELECTION FOR PARTICIPATION.—Section 7682*  
 19          *is amended by adding at the end the following new sub-*  
 20          *section:*

21          “(d) *NOTICE TO POTENTIAL EMPLOYEES.—In each*  
 22          *offer of employment made by the Secretary to an individual*  
 23          *who, upon acceptance of such offer would be treated as eligi-*  
 24          *ble to participate in the Education Debt Reduction Pro-*



1 gram, the Secretary shall, to the maximum extent prac-  
 2 ticable, include the following:

3 “(1) A notice that the individual will be treated  
 4 as eligible to participate in the Education Debt Re-  
 5 duction Program upon the individual’s acceptance of  
 6 such offer.

7 “(2) A notice of the determination of the Sec-  
 8 retary whether or not the individual will be selected  
 9 as a participant in the Education Debt Reduction  
 10 Program as of the individual’s acceptance of such  
 11 offer.”.

12 (c) SELECTION OF EMPLOYEES WHO RECEIVE NOTICE  
 13 OF SELECTION WITH EMPLOYMENT OFFER.—Section 7683  
 14 is further amended by adding at the end the following new  
 15 subsection:

16 “(e) SELECTION OF PARTICIPANTS.—(1) The Secretary  
 17 shall select for participation in the Education Debt Reduc-  
 18 tion Program each individual eligible for participation in  
 19 the Education Debt Reduction Program who—

20 “(A) the Secretary provided notice with an offer  
 21 of employment under section 7682(d) of this title that  
 22 indicated the individual would, upon the individual’s  
 23 acceptance of such offer of employment, be—

24 “(i) eligible to participate in the Education  
 25 Debt Reduction Program; and

1                   “(ii) selected to participate in the Edu-  
2                   cation Debt Reduction Program; and

3                   “(B) accepts such offer of employment.

4                   “(2) The Secretary may select for participation in the  
5                   Education Debt Reduction Program an individual eligible  
6                   for participation in the Education Debt Reduction Pro-  
7                   gram who is not described by subparagraphs (A) and (B)  
8                   of paragraph (1).”.

9   **SEC. 202. VISUAL IMPAIRMENT AND ORIENTATION AND MO-**  
10                   **BILITY PROFESSIONALS EDUCATION ASSIST-**  
11                   **ANCE PROGRAM.**

12                   (a) *ESTABLISHMENT OF PROGRAM.*—Part V is amend-  
13                   ed by inserting after chapter 74 the following new chapter:  
14   **“CHAPTER 75—VISUAL IMPAIRMENT AND**  
15                   **ORIENTATION AND MOBILITY PROFES-**  
16                   **SIONALS    EDUCATION    ASSISTANCE**  
17                   **PROGRAM**

“Sec.

“7501. Establishment of scholarship program; purpose.

“7502. Application and acceptance.

“7503. Amount of assistance; duration.

“7504. Agreement.

“7505. Repayment for failure to satisfy requirements of agreement.

18   **“§ 7501. Establishment of scholarship program; pur-**  
19                   **pose**

20                   “(a) *ESTABLISHMENT.*—Subject to the availability of  
21                   appropriations, the Secretary shall establish and carry out

1 *a scholarship program to provide financial assistance in*  
 2 *accordance with this chapter to an individual—*

3           “(1) *who is accepted for enrollment or currently*  
 4           *enrolled in a program of study leading to a degree or*  
 5           *certificate in visual impairment or orientation and*  
 6           *mobility, or a dual degree or certification in both*  
 7           *such areas, at an accredited (as determined by the*  
 8           *Secretary) educational institution that is in a State;*  
 9           *and*

10           “(2) *who enters into an agreement with the Sec-*  
 11           *retary as described in section 7504 of this chapter.*

12           “(b) *PURPOSE.—The purpose of the scholarship pro-*  
 13           *gram established under this chapter is to increase the sup-*  
 14           *ply of qualified blind rehabilitation specialists for the De-*  
 15           *partment and the Nation.*

16           “(c) *OUTREACH.—The Secretary shall publicize the*  
 17           *scholarship program established under this chapter to edu-*  
 18           *cational institutions throughout the United States, with an*  
 19           *emphasis on disseminating information to such institutions*  
 20           *with high numbers of Hispanic students and to Historically*  
 21           *Black Colleges and Universities.*

22 **“§ 7502. *Application and acceptance***

23           “(a) *APPLICATION.—(1) To apply and participate in*  
 24           *the scholarship program under this chapter, an individual*  
 25           *shall submit to the Secretary an application for such par-*

1 *ticipation together with an agreement described in section*  
 2 *7504 of this chapter under which the participant agrees to*  
 3 *serve a period of obligated service in the Department as pro-*  
 4 *vided in the agreement in return for payment of edu-*  
 5 *cational assistance as provided in the agreement.*

6       “(2) *In distributing application forms and agreement*  
 7 *forms to individuals desiring to participate in the scholar-*  
 8 *ship program, the Secretary shall include with such forms*  
 9 *the following:*

10               “(A) *A fair summary of the rights and liabilities*  
 11 *of an individual whose application is approved (and*  
 12 *whose agreement is accepted) by the Secretary.*

13               “(B) *A full description of the terms and condi-*  
 14 *tions that apply to participation in the scholarship*  
 15 *program and service in the Department.*

16       “(b) *APPROVAL.—(1) Upon the Secretary’s approval*  
 17 *of an individual’s participation in the scholarship pro-*  
 18 *gram, the Secretary shall, in writing, promptly notify the*  
 19 *individual of that acceptance.*

20       “(2) *An individual becomes a participant in the schol-*  
 21 *arship program upon such approval by the Secretary.*

22 **“§ 7503. Amount of assistance; duration**

23       “(a) *AMOUNT OF ASSISTANCE.—The amount of the fi-*  
 24 *nancial assistance provided for an individual under this*  
 25 *chapter shall be the amount determined by the Secretary*

1 as being necessary to pay the tuition and fees of the indi-  
 2 vidual. In the case of an individual enrolled in a program  
 3 of study leading to a dual degree or certification in both  
 4 the areas of study described in section 7501(a)(1) of this  
 5 chapter, the tuition and fees shall not exceed the amounts  
 6 necessary for the minimum number of credit hours to  
 7 achieve such dual certification or degree.

8       “(b) *RELATIONSHIP TO OTHER ASSISTANCE.*—*Finan-*  
 9 *cial assistance may be provided to an individual under this*  
 10 *chapter to supplement other educational assistance to the*  
 11 *extent that the total amount of educational assistance re-*  
 12 *ceived by the individual during an academic year does not*  
 13 *exceed the total tuition and fees for such academic year.*

14       “(c) *MAXIMUM AMOUNT OF ASSISTANCE.*—(1) *In no*  
 15 *case may the total amount of assistance provided under this*  
 16 *chapter for an academic year to an individual who is a*  
 17 *full-time student exceed \$15,000.*

18       “(2) *In the case of an individual who is a part-time*  
 19 *student, the total amount of assistance provided under this*  
 20 *chapter shall bear the same ratio to the amount that would*  
 21 *be paid under paragraph (1) if the participant were a full-*  
 22 *time student in the program of study being pursued by the*  
 23 *individual as the coursework carried by the individual to*  
 24 *full-time coursework in that program of study.*

1       “(3) *In no case may the total amount of assistance*  
 2 *provided to an individual under this chapter exceed*  
 3 *\$45,000.*

4       “(d) *MAXIMUM DURATION OF ASSISTANCE.—The Sec-*  
 5 *retary may provide financial assistance to an individual*  
 6 *under this chapter for not more than six years.*

7       **“§ 7504. Agreement**

8       *“An agreement between the Secretary and a partici-*  
 9 *part in the scholarship program under this chapter shall*  
 10 *be in writing, shall be signed by the participant, and shall*  
 11 *include—*

12               *“(1) the Secretary’s agreement to provide the*  
 13 *participant with financial assistance as authorized*  
 14 *under this chapter;*

15               *“(2) the participant’s agreement—*

16                       *“(A) to accept such financial assistance;*

17                       *“(B) to maintain enrollment and attend-*  
 18 *ance in the program of study described in section*  
 19 *7501(a)(1) of this chapter;*

20                       *“(C) while enrolled in such program, to*  
 21 *maintain an acceptable level of academic stand-*  
 22 *ing (as determined by the educational institution*  
 23 *offering such program under regulations pre-*  
 24 *scribed by the Secretary); and*

1           “(D) after completion of the program, to  
 2           serve as a full-time employee in the Department  
 3           for a period of three years, to be served within  
 4           the first six years after the participant has com-  
 5           pleted such program and received a degree or  
 6           certificate described in section 7501(a)(1) of this  
 7           chapter; and

8           “(3) any other terms and conditions that the  
 9           Secretary determines appropriate for carrying out  
 10          this chapter.

11   **“§ 7505. Repayment for failure to satisfy requirements**  
 12           **of agreement**

13          “(a) *IN GENERAL.*—An individual who receives edu-  
 14          cational assistance under this chapter shall repay to the  
 15          Secretary an amount equal to the unearned portion of such  
 16          assistance if the individual fails to satisfy the requirements  
 17          of the agreement entered into under section 7504 of this  
 18          chapter, except in circumstances authorized by the Sec-  
 19          retary.

20          “(b) *AMOUNT OF REPAYMENT.*—The Secretary shall  
 21          establish, by regulations, procedures for determining the  
 22          amount of the repayment required under this subsection  
 23          and the circumstances under which an exception to the re-  
 24          quired repayment may be granted.

1       “(c) *WAIVER OR SUSPENSION OF COMPLIANCE.*—The  
 2       Secretary shall prescribe regulations providing for the  
 3       waiver or suspension of any obligation of an individual for  
 4       service or payment under this chapter (or an agreement  
 5       under this chapter) whenever noncompliance by the indi-  
 6       vidual is due to circumstances beyond the control of the in-  
 7       dividual or whenever the Secretary determines that the  
 8       waiver or suspension of compliance is in the best interest  
 9       of the United States.

10       “(d) *OBLIGATION AS DEBT TO UNITED STATES.*—An  
 11       obligation to repay the Secretary under this section is, for  
 12       all purposes, a debt owed the United States. A discharge  
 13       in bankruptcy under title 11 does not discharge a person  
 14       from such debt if the discharge order is entered less than  
 15       five years after the date of the termination of the agreement  
 16       or contract on which the debt is based.”.

17       (b) *CLERICAL AMENDMENTS.*—The tables of chapters  
 18       at the beginning of title 38, and of part V of title 38, are  
 19       each amended by inserting after the item relating to chapter  
 20       74 the following new item:

      “75. *Visual Impairment and Orientation and Mobility Professionals*  
           *Education Assistance Program* ..... 7501.”.

21       (c) *EFFECTIVE DATE.*—The Secretary of Veterans Af-  
 22       fairs shall implement chapter 75 of title 38, United States  
 23       Code, as added by subsection (a), not later than six months  
 24       after the date of the enactment of this Act.



1 **SEC. 203. INCLUSION OF DEPARTMENT OF VETERANS AF-**  
 2 **FAIRS FACILITIES IN LIST OF FACILITIES ELI-**  
 3 **GIBLE FOR ASSIGNMENT OF PARTICIPANTS**  
 4 **IN NATIONAL HEALTH SERVICE CORPS**  
 5 **SCHOLARSHIP PROGRAM.**

6 *The Secretary of Veterans Affairs shall transfer*  
 7 *\$20,000,000 from accounts of the Veterans Health Adminis-*  
 8 *tration to the Secretary of Health and Human Services to*  
 9 *include facilities of the Department of Veterans Affairs in*  
 10 *the list maintained by the Health Resources and Services*  
 11 *Administration of facilities eligible for assignment of par-*  
 12 *ticipants in the National Health Service Corps Scholarship*  
 13 *Program.*

14 **SEC. 204. TELECONSULTATION AND TELEMEDICINE.**

15 *(a) TELECONSULTATION AND TELERETINAL IMAG-*  
 16 *ING.—*

17 *(1) IN GENERAL.—Subchapter I of chapter 17 is*  
 18 *amended by adding at the end the following new sec-*  
 19 *tion:*

20 **“§ 1709. Teleconsultation and teleretinal imaging**

21 *“(a) TELECONSULTATION.—(1) The Secretary shall*  
 22 *carry out a program of teleconsultation for the provision*  
 23 *of remote mental health and traumatic brain injury assess-*  
 24 *ments in facilities of the Department that are not otherwise*  
 25 *able to provide such assessments without contracting with*

1 *third party providers or reimbursing providers through a*  
 2 *fee-basis system.*

3 “(2) *The Secretary shall, in consultation with appro-*  
 4 *priate professional societies, promulgate technical and clin-*  
 5 *ical care standards for the use of teleconsultation services*  
 6 *within facilities of the Department.*

7 “(b) *TELERETINAL IMAGING.—The Secretary shall*  
 8 *carry out a program of teleretinal imaging in each Veterans*  
 9 *Integrated Services Network (VISN).*

10 “(c) *ANNUAL REPORTS.—In each fiscal year beginning*  
 11 *with fiscal year 2010 and ending with fiscal year 2015,*  
 12 *the Secretary shall submit to Congress a report on the pro-*  
 13 *grams required by subsections (a) and (b). Such report shall*  
 14 *include the following:*

15 “(1) *A description of the efforts made by the Sec-*  
 16 *retary to make teleconsultation available in rural*  
 17 *areas and to utilize teleconsultation in rural areas.*

18 “(2) *The rates of utilization of teleconsultation*  
 19 *by Veterans Integrated Services Network*  
 20 *disaggregated by each fiscal year for which a report*  
 21 *is submitted under this subsection.*

22 “(d) *DEFINITIONS.—In this section:*

23 “(1) *The term ‘teleconsultation’ means the use by*  
 24 *a health care specialist of telecommunications to as-*

1        *sist another health care provider in rendering a diag-*  
 2        *nosis or treatment.*

3                *“(2) The term ‘teleretinal imaging’ means the*  
 4        *use by a health care specialist of telecommunications,*  
 5        *digital retinal imaging, and remote image interpreta-*  
 6        *tion to provide eye care.”.*

7                *(2) CLERICAL AMENDMENT.—The table of sec-*  
 8        *tions at the beginning of chapter 17 is amended by*  
 9        *inserting after the item related to section 1708 the fol-*  
 10       *lowing new item:*

*“1709. Teleconsultation and teleretinal imaging.”.*

11               *(b) TRAINING IN TELEMEDICINE.—The Secretary of*  
 12       *Veterans Affairs shall require each Department of Veterans*  
 13       *Affairs facility that is involved in the training of medical*  
 14       *residents to work with each university concerned to develop*  
 15       *an elective rotation in telemedicine for such residents.*

16               *(c) ENHANCEMENT OF VERA.—*

17               *(1) INCENTIVES FOR PROVISION OF TELECON-*  
 18       *SULTATION, TELERETINAL IMAGING, TELEMEDICINE,*  
 19       *AND TELEHEALTH SERVICES.—The Secretary of Vet-*  
 20       *erans Affairs shall modify the Veterans Equitable Re-*  
 21       *source Allocation system to provide Veterans Inte-*  
 22       *grated Services Networks with incentives to utilize*  
 23       *teleconsultation, teleretinal imaging, telemedicine,*  
 24       *and telehealth coordination services.*

1           (2) *INCLUSION OF TELEMEDICINE VISITS IN*  
 2           *WORKLOAD REPORTING.*—*The Secretary shall modify*  
 3           *the Veterans Equitable Resource Allocation system to*  
 4           *require the inclusion of all telemedicine visits in the*  
 5           *calculation of facility workload.*

6           (d) *DEFINITIONS.*—*In this section:*

7           (1) *The terms “teleconsultation” and “teleretinal*  
 8           *imaging” have the meanings given such terms in sec-*  
 9           *tion 1709 of title 38, United States Code, as added*  
 10          *by subsection (a).*

11          (2) *The term “telemedicine” means the use by a*  
 12          *health care provider of telecommunications to assist*  
 13          *in the diagnosis or treatment of a patient’s medical*  
 14          *condition.*

15          (3) *The term “telehealth” means the use of tele-*  
 16          *communications to collect patient data remotely and*  
 17          *send data to a monitoring station for interpretation.*

18   **SEC. 205. DEMONSTRATION PROJECTS ON ALTERNATIVES**  
 19                           **FOR EXPANDING CARE FOR VETERANS IN**  
 20                           **RURAL AREAS.**

21          (a) *IN GENERAL.*—*The Secretary of Veterans Affairs,*  
 22          *through the Director of the Office of Rural Health, may*  
 23          *carry out demonstration projects to examine the feasibility*  
 24          *and advisability of alternatives for expanding care for vet-*  
 25          *erans in rural areas, which may include the following:*

1           (1) *Establishing a partnership between the De-*  
2           *partment of Veterans Affairs and the Centers for*  
3           *Medicare and Medicaid Services of the Department of*  
4           *Health and Human Services to coordinate care for*  
5           *veterans in rural areas at critical access hospitals (as*  
6           *designated or certified under section 1820 of the So-*  
7           *cial Security Act (42 U.S.C. 1395i–4)).*

8           (2) *Establishing a partnership between the De-*  
9           *partment of Veterans Affairs and the Department of*  
10          *Health and Human Services to coordinate care for*  
11          *veterans in rural areas at community health centers.*

12          (3) *Expanding coordination between the Depart-*  
13          *ment of Veterans Affairs and the Indian Health Serv-*  
14          *ice to expand care for Indian veterans.*

15          (b) *GEOGRAPHIC DISTRIBUTION.*—*The Secretary shall*  
16          *ensure that the demonstration projects carried out under*  
17          *subsection (a) are located at facilities that are geographi-*  
18          *cally distributed throughout the United States.*

19          (c) *REPORT.*—*Not later than two years after the date*  
20          *of the enactment of this Act, the Secretary shall submit a*  
21          *report on the results of the demonstration projects conducted*  
22          *under subsection (a) to—*

23                 (1) *the Committee on Veterans’ Affairs and the*  
24                 *Committee on Appropriations of the Senate; and*

1           (2) *the Committee on Veterans' Affairs and the*  
 2           *Committee on Appropriations of the House of Rep-*  
 3           *resentatives.*

4 **SEC. 206. PROGRAM ON PROVISION OF READJUSTMENT**  
 5                   **AND MENTAL HEALTH CARE SERVICES TO**  
 6                   **VETERANS WHO SERVED IN OPERATION**  
 7                   **IRAQI FREEDOM AND OPERATION ENDURING**  
 8                   **FREEDOM.**

9           (a) *PROGRAM REQUIRED.*—*Not later than 180 days*  
 10 *after the date of the enactment of this Act, the Secretary*  
 11 *of Veterans Affairs shall establish a program to provide—*

12                   (1) *to veterans of Operation Iraqi Freedom and*  
 13 *Operation Enduring Freedom, particularly veterans*  
 14 *who served in such operations while in the National*  
 15 *Guard and the Reserves—*

16                           (A) *peer outreach services;*

17                           (B) *peer support services;*

18                           (C) *readjustment counseling and services de-*  
 19 *scribed in section 1712A of title 38, United*  
 20 *States Code; and*

21                           (D) *mental health services; and*

22                   (2) *to members of the immediate family of such*  
 23 *a veteran, during the three-year period beginning on*  
 24 *the date of the return of such veteran from deploy-*  
 25 *ment in Operation Iraqi Freedom or Operation En-*

1        *during Freedom, education, support, counseling, and*  
 2        *mental health services to assist in—*

3                *(A) the readjustment of such veteran to ci-*  
 4                *vilian life;*

5                *(B) in the case such veteran has an injury*  
 6                *or illness incurred during such deployment, the*  
 7                *recovery of such veteran; and*

8                *(C) the readjustment of the family following*  
 9                *the return of such veteran.*

10        *(b) CONTRACTS WITH COMMUNITY MENTAL HEALTH*  
 11        *CENTERS AND QUALIFIED ENTITIES FOR PROVISION OF*  
 12        *SERVICES.—In carrying out the program required by sub-*  
 13        *section (a), the Secretary shall contract with community*  
 14        *mental health centers and other qualified entities to provide*  
 15        *the services required by such subsection only in areas the*  
 16        *Secretary determines are not adequately served by other*  
 17        *health care facilities or vet centers of the Department of Vet-*  
 18        *erans Affairs. Such contracts shall require each contracting*  
 19        *community health center or entity—*

20                *(1) to the extent practicable, to use telehealth*  
 21                *services for the delivery of services required by sub-*  
 22                *section (a);*

23                *(2) to the extent practicable, to employ veterans*  
 24                *trained under subsection (c);*

1           (3) to participate in the training program con-  
 2           ducted in accordance with subsection (d);

3           (4) to comply with applicable protocols of the  
 4           Department before incurring any liability on behalf  
 5           of the Department for the provision of the services re-  
 6           quired by subsection (a);

7           (5) for each veteran for whom a community  
 8           mental health center or other qualified entity provides  
 9           mental health services under such contract, to provide  
 10          the Department with such clinical summary informa-  
 11          tion as the Secretary shall require;

12          (6) to submit annual reports to the Secretary  
 13          containing, with respect to the program required by  
 14          subsection (a) and for the last full calendar year end-  
 15          ing before the submission of such report—

16                (A) the number of the veterans served, vet-  
 17                erans diagnosed, and courses of treatment pro-  
 18                vided to veterans as part of the program required  
 19                by subsection (a); and

20                (B) demographic information for such serv-  
 21                ices, diagnoses, and courses of treatment; and

22          (7) to meet such other requirements as the Sec-  
 23          retary shall require.

24          (c) *TRAINING OF VETERANS FOR THE PROVISION OF*  
 25          *PEER-OUTREACH AND PEER-SUPPORT SERVICES.—In car-*



1 *rying out the program required by subsection (a), the Sec-*  
 2 *retary shall contract with a national not-for-profit mental*  
 3 *health organization to carry out a national program of*  
 4 *training for veterans described in subsection (a) to provide*  
 5 *the services described in subparagraphs (A) and (B) of*  
 6 *paragraph (1) of such subsection.*

7 *(d) TRAINING OF CLINICIANS FOR PROVISION OF*  
 8 *SERVICES.—The Secretary shall conduct a training pro-*  
 9 *gram for clinicians of community mental health centers or*  
 10 *entities that have contracts with the Secretary under sub-*  
 11 *section (b) to ensure that such clinicians can provide the*  
 12 *services required by subsection (a) in a manner that—*

13 *(1) recognizes factors that are unique to the expe-*  
 14 *rience of veterans who served on active duty in Oper-*  
 15 *ation Iraqi Freedom or Operation Enduring Freedom*  
 16 *(including their combat and military training experi-*  
 17 *ences); and*

18 *(2) utilizes best practices and technologies.*

19 *(e) REPORTS REQUIRED.—*

20 *(1) INITIAL REPORT ON PLAN FOR IMPLEMENTA-*  
 21 *TION.—Not later than 45 days after the date of the*  
 22 *enactment of this Act, the Secretary shall submit to*  
 23 *the Committee on Veterans' Affairs of the Senate and*  
 24 *the Committee on Veterans' Affairs of the House of*  
 25 *Representatives a report containing the plans of the*

1        *Secretary to implement the program required by sub-*  
 2        *section (a).*

3            (2) *STATUS REPORT.*—*Not later than one year*  
 4        *after the date of the enactment of this Act, the Sec-*  
 5        *retary shall submit to the Committee on Veterans' Af-*  
 6        *airs of the Senate and the Committee on Veterans'*  
 7        *Affairs of the House of Representatives a report on*  
 8        *the implementation of the program. Such report shall*  
 9        *include the following:*

10            (A) *Information on the number of veterans*  
 11        *who received services as part of the program and*  
 12        *the type of services received during the last full*  
 13        *calendar year completed before the submission of*  
 14        *such report.*

15            (B) *An evaluation of the provision of serv-*  
 16        *ices under paragraph (2) of subsection (a) and*  
 17        *a recommendation as to whether the period de-*  
 18        *scribed in such paragraph should be extended to*  
 19        *a five-year period.*

20        **SEC. 207. IMPROVEMENT OF CARE OF AMERICAN INDIAN**  
 21            **VETERANS.**

22            (a) *INDIAN HEALTH COORDINATORS.*—

23            (1) *IN GENERAL.*—*Subchapter II of chapter 73 is*  
 24        *amended by adding at the end the following new sec-*  
 25        *tion:*

1 **“§ 7330B. Indian Veterans Health Care Coordinators**

2       “(a) *IN GENERAL.*—(1) *The Secretary shall assign at*  
 3 *each of the 10 Department Medical Centers that serve com-*  
 4 *munities with the greatest number of Indian veterans per*  
 5 *capita an official or employee of the Department to act as*  
 6 *the coordinator of health care for Indian veterans at such*  
 7 *Medical Center. The official or employee so assigned at a*  
 8 *Department Medical Center shall be known as the ‘Indian*  
 9 *Veterans Health Care Coordinator’ for the Medical Center.*

10       “(2) *The Secretary shall, from time to time—*

11               “(A) *survey the Department Medical Centers for*  
 12 *purposes of identifying the 10 Department Medical*  
 13 *Centers that currently serve communities with the*  
 14 *greatest number of Indian veterans per capita; and*

15               “(B) *utilizing the results of the most recent sur-*  
 16 *vey conducted under subparagraph (A), revise the as-*  
 17 *signment of Indian Veterans Health Care Coordina-*  
 18 *tors in order to assure the assignment of such coordi-*  
 19 *nators to appropriate Department Medical Centers as*  
 20 *required by paragraph (1).*

21       “(b) *DUTIES.*—*The duties of an Indian Veterans*  
 22 *Health Care Coordinator shall include the following:*

23               “(1) *Improving outreach to tribal communities.*

24               “(2) *Coordinating the medical needs of Indian*  
 25 *veterans on Indian reservations with the Veterans*

1     *Health Administration and the Indian Health Serv-*  
 2     *ice.*

3             “(3) *Expanding the access and participation of*  
 4     *the Department of Veterans Affairs, the Indian*  
 5     *Health Service, and tribal members in the Depart-*  
 6     *ment of Veterans Affairs Tribal Veterans Representa-*  
 7     *tive program.*

8             “(4) *Acting as an ombudsman for Indian vet-*  
 9     *erans enrolled in the health care system of the Vet-*  
 10    *erans Health Administration.*

11            “(5) *Advocating for the incorporation of tradi-*  
 12    *tional medicine and healing in Department treatment*  
 13    *plans for Indian veterans in need of care and services*  
 14    *provided by the Department.*

15            “(c) *INDIAN DEFINED.—In this section, the term ‘In-*  
 16    *dian’ has the meaning given the term in section 4 of the*  
 17    *Indian Self-Determination and Education Assistance Act*  
 18    *(25 U.S.C. 450b).’.*

19            “(2) *CLERICAL AMENDMENT.—The table of sec-*  
 20    *tions at the beginning of chapter 73 is amended by*  
 21    *inserting after the item relating to section 7330A the*  
 22    *following new item:*

“7330B. *Indian Veterans Health Coordinators.*”.

23            “(b) *INTEGRATION OF ELECTRONIC HEALTH RECORDS*  
 24    *WITH INDIAN HEALTH SERVICE.—Not later than one year*  
 25    *after the date of the enactment of this Act, the Secretary*

1 *of Veterans Affairs and the Secretary of Health and Human*  
 2 *Services shall enter into a memorandum of understanding*  
 3 *to ensure that the health records of Indian veterans may*  
 4 *be transferred electronically between facilities of the Indian*  
 5 *Health Service and the Department of Veterans Affairs.*

6 (c) *TRANSFER OF MEDICAL EQUIPMENT TO THE IN-*  
 7 *DIAN HEALTH SERVICE.—*

8 (1) *IN GENERAL.—The Secretary of Veterans Af-*  
 9 *fairs may transfer to the Indian Health Service such*  
 10 *surplus Department of Veterans Affairs medical and*  
 11 *information technology equipment as the Secretary of*  
 12 *Veterans Affairs and the Secretary of Health and*  
 13 *Human Services jointly consider appropriate for pur-*  
 14 *poses of the Indian Health Service.*

15 (2) *TRANSPORTATION AND INSTALLATION.—In*  
 16 *transferring medical or information technology equip-*  
 17 *ment under this subsection, the Secretary of Veterans*  
 18 *Affairs may transport and install such equipment in*  
 19 *facilities of the Indian Health Service.*

20 (d) *REPORT ON JOINT HEALTH CLINICS WITH INDIAN*  
 21 *HEALTH SERVICE.—Not later than one year after the date*  
 22 *of the enactment of this Act, the Secretary of Veterans Af-*  
 23 *fairs and the Secretary of Health and Human Services shall*  
 24 *jointly submit to Congress a report on the feasibility and*  
 25 *advisability of the joint establishment and operation by the*

1 *Veterans Health Administration and the Indian Health*  
 2 *Service of health clinics on Indian reservations to serve the*  
 3 *populations of such reservations, including Indian veterans.*

4 **SEC. 208. TRAVEL REIMBURSEMENT FOR VETERANS RE-**  
 5 **CEIVING TREATMENT AT FACILITIES OF THE**  
 6 **DEPARTMENT OF VETERANS AFFAIRS.**

7 (a) *ENHANCEMENT OF ALLOWANCE BASED UPON*  
 8 *MILEAGE TRAVELED.*—*Section 111 is amended—*

9 (1) *in subsection (a), by striking “traveled,” and*  
 10 *inserting “(at a rate of 41.5 cents per mile),”; and*

11 (2) *by amending subsection (g) to read as fol-*  
 12 *lows:*

13 “(g)(1) *Beginning one year after the date of the enact-*  
 14 *ment of the Caregiver and Veterans Health Services Act of*  
 15 *2009, the Secretary may adjust the mileage rate described*  
 16 *in subsection (a) to be equal to the mileage reimbursement*  
 17 *rate for the use of privately owned vehicles by Government*  
 18 *employees on official business (when a Government vehicle*  
 19 *is available), as prescribed by the Administrator of General*  
 20 *Services under section 5707(b) of title 5.*

21 “(2) *If an adjustment in the mileage rate under para-*  
 22 *graph (1) results in a lower mileage rate than the mileage*  
 23 *rate otherwise specified in subsection (a), the Secretary*  
 24 *shall, not later than 60 days before the date of the imple-*  
 25 *mentation of the mileage rate as so adjusted, submit to Con-*

1 *gress a written report setting forth the adjustment in the*  
 2 *mileage rate under this subsection, together with a justifica-*  
 3 *tion for the decision to make the adjustment in the mileage*  
 4 *rate under this subsection.”.*

5 *(b) COVERAGE OF COST OF TRANSPORTATION BY*  
 6 *AIR.—Subsection (a) of section 111, as amended by sub-*  
 7 *section (a)(1), is further amended by inserting after the first*  
 8 *sentence the following new sentence: “Actual necessary ex-*  
 9 *pense of travel includes the reasonable costs of airfare if*  
 10 *travel by air is the only practical way to reach a Depart-*  
 11 *ment facility.”.*

12 *(c) ELIMINATION OF LIMITATION BASED ON MAXIMUM*  
 13 *ANNUAL RATE OF PENSION.—Subsection (b)(1)(D)(i) of*  
 14 *such section is amended by inserting “who is not traveling*  
 15 *by air and” before “whose annual”.*

16 *(d) DETERMINATION OF PRACTICALITY.—Subsection*  
 17 *(b) of such section is amended by adding at the end the*  
 18 *following new paragraph:*

19 *“(4) In determining for purposes of subsection (a)*  
 20 *whether travel by air is the only practical way for a veteran*  
 21 *to reach a Department facility, the Secretary shall consider*  
 22 *the medical condition of the veteran and any other impedi-*  
 23 *ments to the use of ground transportation by the veteran.”.*

24 *(e) NO EXPANSION OF ELIGIBILITY FOR BENEFICIARY*  
 25 *TRAVEL.—The amendments made by subsections (b) and*

1 *(d) of this section may not be construed as expanding or*  
 2 *otherwise modifying eligibility for payments or allowances*  
 3 *for beneficiary travel under section 111 of title 38, United*  
 4 *States Code, as in effect on the day before the date of the*  
 5 *enactment of this Act.*

6 *(f) CLARIFICATION OF RELATION TO PUBLIC TRANS-*  
 7 *PORTATION IN VETERANS HEALTH ADMINISTRATION HAND-*  
 8 *BOOK.—Not later than 30 days after the date of the enact-*  
 9 *ment of this Act, the Secretary of Veterans Affairs shall re-*  
 10 *vis the Veterans Health Administration Handbook to clar-*  
 11 *ify that an allowance for travel based on mileage paid*  
 12 *under section 111(a) of title 38, United States Code, may*  
 13 *exceed the cost of such travel by public transportation re-*  
 14 *gardless of medical necessity.*

15 **SEC. 209. OFFICE OF RURAL HEALTH FIVE-YEAR STRATEGIC**  
 16 **PLAN.**

17 *(a) STRATEGIC PLAN.—Not later than 180 days after*  
 18 *the date of the enactment of this Act, the Director of the*  
 19 *Office of Rural Health of the Department of Veterans Af-*  
 20 *fairs shall develop a five-year strategic plan for the Office*  
 21 *of Rural Health.*

22 *(b) CONTENTS.—The plan required by subsection (a)*  
 23 *shall include the following:*

24 *(1) Specific goals for the recruitment and reten-*  
 25 *tion of health care personnel in rural areas, developed*



1       *in conjunction with the Director of the Health Care*  
 2       *Retention and Recruitment Office of the Department*  
 3       *of Veterans Affairs.*

4               *(2) Specific goals for ensuring the timeliness and*  
 5       *quality of health care delivery in rural communities*  
 6       *that are reliant on contract and fee-basis care, devel-*  
 7       *oped in conjunction with the Director of the Office of*  
 8       *Quality and Performance of the Department.*

9               *(3) Specific goals for the expansion and imple-*  
 10       *mentation of telemedicine services in rural areas, de-*  
 11       *veloped in conjunction with the Director of the Office*  
 12       *of Care Coordination Services of the Department.*

13               *(4) Incremental milestones describing specific ac-*  
 14       *tions to be taken for the purpose of achieving the goals*  
 15       *specified under paragraphs (1) through (3).*

16       **SEC. 210. OVERSIGHT OF CONTRACT AND FEE-BASIS CARE.**

17       *(a) IN GENERAL.—Subchapter I of chapter 17 is*  
 18       *amended by inserting after section 1703 the following new*  
 19       *section:*

20       **“§ 1703A. Oversight of contract and fee-basis care**

21       *“(a) RURAL OUTREACH COORDINATORS.—The Sec-*  
 22       *retary shall designate a rural outreach coordinator at each*  
 23       *Department community based outpatient clinic at which*  
 24       *not less than 50 percent of the veterans enrolled at such*  
 25       *clinic reside in a highly rural area. The coordinator at a*

1 *clinic shall be responsible for coordinating care and collabo-*  
 2 *rating with community contract and fee-basis providers*  
 3 *with respect to the clinic.*

4       “(b) *INCENTIVES TO OBTAIN ACCREDITATION OF MED-*  
 5 *ICAL PRACTICE.*—(1) *The Secretary shall adjust the fee-*  
 6 *basis compensation of providers of health care services*  
 7 *under the Department to encourage such providers to obtain*  
 8 *accreditation of their medical practice from recognized ac-*  
 9 *crediting entities.*

10       “(2) *In making adjustments under paragraph (1), the*  
 11 *Secretary shall consider the increased overhead costs of ac-*  
 12 *creditation described in paragraph (1) and the costs of*  
 13 *achieving and maintaining such accreditation.*

14       “(c) *INCENTIVES FOR PARTICIPATION IN PEER RE-*  
 15 *VIEW.*—(1) *The Secretary shall adjust the fee-basis com-*  
 16 *ensation of providers of health care services under the De-*  
 17 *partment that do not provide such services as part of a med-*  
 18 *ical practice accredited by a recognized accrediting entity*  
 19 *to encourage such providers to participate in peer review*  
 20 *under subsection (e).*

21       “(2) *The Secretary shall provide incentives under*  
 22 *paragraph (1) to a provider of health care services under*  
 23 *the Department in an amount which may reasonably be*  
 24 *expected (as determined by the Secretary) to encourage par-*

1 *ticipation in the voluntary peer review under subsection*  
 2 *(d).*

3       “(d) *PEER REVIEW.—(1) The Secretary shall provide*  
 4 *for the voluntary peer review of providers of health care*  
 5 *services under the Department who provide such services*  
 6 *on a fee basis as part of a medical practice that is not ac-*  
 7 *credited by a recognized accrediting entity.*

8       “(2) *Each year, beginning with the first fiscal year*  
 9 *beginning after the date of the enactment of this section,*  
 10 *the Chief Quality and Performance Officer in each Veterans*  
 11 *Integrated Services Network (VISN) shall select a sample*  
 12 *of patient records from each participating provider in the*  
 13 *Officer’s Veterans Integrated Services Network to be peer*  
 14 *reviewed by a facility designated under paragraph (3).*

15       “(3) *The Chief Quality and Performance Officer in*  
 16 *each Veterans Integrated Services Network shall designate*  
 17 *Department facilities in such network for the peer review*  
 18 *of patient records submitted under this subsection.*

19       “(4) *Each year, beginning with the first fiscal year*  
 20 *beginning after the date of the enactment of this section,*  
 21 *each provider who elects to participate in the program shall*  
 22 *submit the patient records selected under paragraph (2) to*  
 23 *a facility selected under paragraph (3) to be peer reviewed*  
 24 *by such facility.*

1       “(5) *Each Department facility designated under para-*  
 2 *graph (3) that receives patient records under paragraph (4)*  
 3 *shall—*

4               “(A) *peer review such records in accordance with*  
 5 *policies and procedures established by the Secretary;*

6               “(B) *ensure that peer reviews are evaluated by*  
 7 *the Peer Review Committee; and*

8               “(C) *develop a mechanism for notifying the*  
 9 *Under Secretary for Health of problems identified*  
 10 *through such peer review.*

11       “(6) *The Under Secretary for Health shall develop a*  
 12 *mechanism by which the use of fee-basis providers of health*  
 13 *care are terminated when quality of care concerns are iden-*  
 14 *tified with respect to such providers.*

15       “(7) *The Chief Quality and Performance Officer in*  
 16 *each Veterans Integrated Services Network shall be respon-*  
 17 *sible for the oversight of the program of peer review under*  
 18 *this subsection in that network.”.*

19       (b) *CLERICAL AMENDMENT.—The table of sections at*  
 20 *the beginning of chapter 17 is amended by inserting after*  
 21 *the item related to section 1703 the following new item:*

*“1703A. Oversight of contract and fee-basis care.”.*

22       **SEC. 211. ENHANCEMENT OF VET CENTERS TO MEET NEEDS**  
 23                       **OF VETERANS OF OPERATION IRAQI FREE-**  
 24                       **DOM AND OPERATION ENDURING FREEDOM.**

25       (a) *VOLUNTEER COUNSELORS.—*

1           (1) *IN GENERAL.*—Subsection (c) of section  
2   1712A is amended—

3           (A) by striking “The Under Secretary” and  
4   inserting “(1) The Under Secretary”;

5           (B) in paragraph (1), as designated by  
6   paragraph (1), by striking “, and, in carrying”  
7   and all that follows through “screening activi-  
8   ties”; and

9           (C) by adding at the end the following new  
10 paragraphs:

11       “(2) In carrying out this section, the Under Secretary  
12 may utilize the services of the following:

13       “(A) Paraprofessionals, individuals who are vol-  
14 unteers working without compensation, and individ-  
15 uals who are veteran-students (as described in section  
16 3485 of this title) in initial intake and screening ac-  
17 tivities.

18       “(B) Eligible volunteer counselors in the provi-  
19 sion of counseling and related mental health services.

20       “(3) For purposes of this subsection, an eligible volun-  
21 teer counselor is an individual—

22       “(A) who—

23       “(i) provides counseling services without  
24 compensation at a center;

1                   “(ii) is a licensed psychologist or social  
2                   worker;

3                   “(iii) has never been named in a tort claim  
4                   arising from professional activities; and

5                   “(iv) has never had, and has no pending,  
6                   disciplinary action taken with respect to any li-  
7                   cense or certification qualifying that individual  
8                   to provide counseling services; or

9                   “(B) who is otherwise credentialed and privi-  
10                  leged to perform counseling services by the Secretary.

11                  “(4) Eligible volunteer counselors shall be issued cre-  
12                  dentials and privileges for the provision of counseling and  
13                  related mental health services under this section on an expe-  
14                  dited basis in accordance with such procedures as the Sec-  
15                  retary shall establish. Such procedures shall provide for the  
16                  completion by the Secretary of the processing of an applica-  
17                  tion for such credentials and privileges not later than 60  
18                  days after receipt of the application.”.

19                  (2) *PROCEDURES FOR ISSUING CREDENTIALS*  
20                  *AND PRIVILEGES TO VOLUNTEER COUNSELORS.*—Not  
21                  later than one year after the date of the enactment of  
22                  this Act, the Secretary of Veterans Affairs shall estab-  
23                  lish the procedures described in section 1712A(c)(4),  
24                  as added by paragraph (1).

1       (b) *OUTREACH*.—Subsection (e) of such section is  
2 amended—

3           (1) by striking “The Secretary” and inserting  
4       “(1) The Secretary”; and

5           (2) by adding at the end the following new para-  
6 graph:

7       “(2) Each center shall develop an outreach plan to en-  
8 sure that the community served by the center is aware of  
9 the services offered by the center.”.

10 **SEC. 212. CENTERS OF EXCELLENCE FOR RURAL HEALTH**  
11 **RESEARCH, EDUCATION, AND CLINICAL AC-**  
12 **TIVITIES.**

13       (a) *IN GENERAL*.—Subchapter II of chapter 73, as  
14 amended by section 214 of this Act, is further amended by  
15 adding at the end the following new section:

16 **“§ 7330C. Centers of excellence for rural health re-**  
17 **search, education, and clinical activities**

18       “(a) *ESTABLISHMENT OF CENTERS*.—The Secretary,  
19 through the Director of the Office of Rural Health, shall  
20 establish and operate at least one and not more than five  
21 centers of excellence for rural health research, education,  
22 and clinical activities, which shall—

23           “(1) conduct research on the furnishing of health  
24 services in rural areas;

1           “(2) *develop specific models to be used by the De-*  
 2           *partment in furnishing health services to veterans in*  
 3           *rural areas;*

4           “(3) *provide education and training for health*  
 5           *care professionals of the Department on the fur-*  
 6           *nishing of health services to veterans in rural areas;*  
 7           *and*

8           “(4) *develop and implement innovative clinical*  
 9           *activities and systems of care for the Department for*  
 10          *the furnishing of health services to veterans in rural*  
 11          *areas.*

12          “(b) *USE OF RURAL HEALTH RESOURCE CENTERS.—*  
 13          *In selecting locations for the establishment of centers of ex-*  
 14          *cellence under subsection (a), the Secretary may select a*  
 15          *rural health resource center that meets the requirements of*  
 16          *subsection (a).*

17          “(c) *GEOGRAPHIC DISPERSION.—The Secretary shall*  
 18          *ensure that the centers established under this section are*  
 19          *located at health care facilities that are geographically dis-*  
 20          *persed throughout the United States.*

21          “(d) *FUNDING.—(1) There are authorized to be appro-*  
 22          *priated to the Medical Care Account and the Medical and*  
 23          *Prosthetics Research Account of the Department of Veterans*  
 24          *Affairs such sums as may be necessary for the support of*



1 *the research and education activities of the centers operated*  
 2 *under this section.*

3       “(2) *There shall be allocated to the centers operated*  
 4 *under this section, from amounts authorized to be appro-*  
 5 *priated to the Medical Care Account and the Medical and*  
 6 *Prosthetics Research Account by paragraph (1), such*  
 7 *amounts as the Under Secretary of health considers appro-*  
 8 *priate for such centers. Such amounts shall be allocated*  
 9 *through the Director of the Office of Rural Health.*

10       “(3) *Activities of clinical and scientific investigation*  
 11 *at each center operated under this section—*

12               “(A) *shall be eligible to compete for the award of*  
 13 *funding from funds appropriated for the Medical and*  
 14 *Prosthetics Research Account; and*

15               “(B) *shall receive priority in the award of fund-*  
 16 *ing from such account to the extent that funds are*  
 17 *awarded to projects for research in the care of rural*  
 18 *veterans.”.*

19       (b) *CLERICAL AMENDMENT.—The table of sections at*  
 20 *the beginning of chapter 73, as amended by section 214 of*  
 21 *this Act, is further amended by inserting after the item re-*  
 22 *lating to section 7330B the following new item:*

      “7330C. *Centers of excellence for rural health research, education, and clinical ac-*  
           *tivities.”.*

1 **SEC. 213. PILOT PROGRAM ON INCENTIVES FOR PHYSI-**  
2 **CIANS WHO ASSUME INPATIENT RESPON-**  
3 **SIBILITIES AT COMMUNITY HOSPITALS IN**  
4 **HEALTH PROFESSIONAL SHORTAGE AREAS.**

5 (a) *PILOT PROGRAM REQUIRED.*—The Secretary of  
6 Veterans Affairs shall carry out a pilot program to assess  
7 the feasibility and advisability of each of the following:

8 (1) *The provision of financial incentives to eligi-*  
9 *ble physicians who obtain and maintain inpatient*  
10 *privileges at community hospitals in health profes-*  
11 *sional shortage areas in order to facilitate the provi-*  
12 *sion by such physicians of primary care and mental*  
13 *health services to veterans at such hospitals.*

14 (2) *The collection of payments from third-party*  
15 *providers for care provided by eligible physicians to*  
16 *nonveterans while discharging inpatient responsibil-*  
17 *ities at community hospitals in the course of exer-*  
18 *cising the privileges described in paragraph (1).*

19 (b) *ELIGIBLE PHYSICIANS.*—For purposes of this sec-  
20 tion, an eligible physician is a primary care or mental  
21 health physician employed by the Department of Veterans  
22 Affairs on a full-time basis.

23 (c) *DURATION OF PROGRAM.*—The pilot program shall  
24 be carried out during the three-year period beginning on  
25 the date of the commencement of the pilot program.

26 (d) *LOCATIONS.*—

1           (1) *IN GENERAL.*—*The pilot program shall be*  
 2           *carried out at not less than five community hospitals*  
 3           *in each of not less than two Veterans Integrated Serv-*  
 4           *ices Networks (VISNs). The hospitals shall be selected*  
 5           *by the Secretary utilizing the results of the survey re-*  
 6           *quired under subsection (e).*

7           (2) *QUALIFYING COMMUNITY HOSPITALS.*—*A*  
 8           *community hospital may be selected by the Secretary*  
 9           *as a location for the pilot program if—*

10                   (A) *the hospital is located in a health pro-*  
 11                   *fessional shortage area; and*

12                   (B) *the number of eligible physicians will-*  
 13                   *ing to assume inpatient responsibilities at the*  
 14                   *hospital (as determined utilizing the result of the*  
 15                   *survey) is sufficient for purposes of the pilot pro-*  
 16                   *gram.*

17           (e) *SURVEY OF PHYSICIAN INTEREST IN PARTICIPA-*  
 18           *TION.*—

19           (1) *IN GENERAL.*—*Not later than 120 days after*  
 20           *the date of the enactment of this Act, the Secretary*  
 21           *shall conduct a survey of eligible physicians to deter-*  
 22           *mine the extent of the interest of such physicians in*  
 23           *participating in the pilot program.*

24           (2) *ELEMENTS.*—*The survey shall disclose the*  
 25           *type, amount, and nature of the financial incentives*

1       to be provided under subsection (h) to physicians par-  
 2       ticipating in the pilot program.

3       (f) *PHYSICIAN PARTICIPATION.*—

4           (1) *IN GENERAL.*—The Secretary shall select  
 5       physicians for participation in the pilot program  
 6       from among eligible physicians who—

7           (A) express interest in participating in the  
 8       pilot program in the survey conducted under  
 9       subsection (e);

10          (B) are in good standing with the Depart-  
 11       ment; and

12          (C) primarily have clinical responsibilities  
 13       with the Department.

14       (2) *VOLUNTARY PARTICIPATION.*—Participation  
 15       in the pilot program shall be voluntary. Nothing in  
 16       this section shall be construed to require a physician  
 17       working for the Department to assume inpatient re-  
 18       sponsibilities at a community hospital unless other-  
 19       wise required as a term or condition of employment  
 20       with the Department.

21       (g) *ASSUMPTION OF INPATIENT PHYSICIAN RESPON-*  
 22       *SIBILITIES.*—

23           (1) *IN GENERAL.*—Each eligible physician se-  
 24       lected for participation in the pilot program shall as-  
 25       sume and maintain inpatient responsibilities, includ-

1     *ing inpatient responsibilities with respect to non-*  
 2     *veterans, at one or more community hospitals selected*  
 3     *by the Secretary for participation in the pilot pro-*  
 4     *gram under subsection (d).*

5           (2) *COVERAGE UNDER FEDERAL TORT CLAIMS*  
 6     *ACT.—If an eligible physician participating in the*  
 7     *pilot program carries out on-call responsibilities at a*  
 8     *community hospital where privileges to practice at*  
 9     *such hospital are conditioned upon the provision of*  
 10    *services to individuals who are not veterans while the*  
 11    *physician is on call for such hospital, the provision*  
 12    *of such services by the physician shall be considered*  
 13    *an action within the scope of the physician’s office or*  
 14    *employment for purposes of chapter 171 of title 28,*  
 15    *United States Code (commonly referred to as the*  
 16    *“Federal Tort Claims Act”).*

17    (h) *COMPENSATION.—*

18           (1) *IN GENERAL.—The Secretary shall provide*  
 19    *each eligible physician participating in the pilot pro-*  
 20    *gram with such compensation (including pay and*  
 21    *other appropriate compensation) as the Secretary*  
 22    *considers appropriate to compensate such physician*  
 23    *for the discharge of any inpatient responsibilities by*  
 24    *such physician at a community hospital for which*  
 25    *such physician would not otherwise be compensated*

1        *by the Department as a full-time employee of the De-*  
 2        *partment.*

3            (2) *WRITTEN AGREEMENT.—The amount of any*  
 4        *compensation to be provided a physician under the*  
 5        *pilot program shall be specified in a written agree-*  
 6        *ment entered into by the Secretary and the physician*  
 7        *for purposes of the pilot program.*

8            (3) *TREATMENT OF COMPENSATION.—The Sec-*  
 9        *retary shall consult with the Director of the Office of*  
 10       *Personnel Management on the inclusion of a provi-*  
 11       *sion in the written agreement required under para-*  
 12       *graph (2) that describes the treatment under Federal*  
 13       *law of any compensation provided a physician under*  
 14       *the pilot program, including treatment for purposes*  
 15       *of retirement under the civil service laws.*

16          (i) *COLLECTIONS FROM THIRD PARTIES.—In car-*  
 17       *rying out the pilot program for the purpose described in*  
 18       *subsection (a)(2), the Secretary shall implement a variety*  
 19       *and range of requirements and mechanisms for the collec-*  
 20       *tion from third-party payors of amounts to reimburse the*  
 21       *Department for health care services provided to nonveterans*  
 22       *under the pilot program by eligible physicians discharging*  
 23       *inpatient responsibilities under the pilot program.*

24          (j) *INPATIENT RESPONSIBILITIES DEFINED.—In this*  
 25       *section, the term “inpatient responsibilities” means on-call*

1 *responsibilities customarily required of a physician by a*  
 2 *community hospital as a condition of granting privileges*  
 3 *to the physician to practice in the hospital.*

4 *(k) REPORT.—Not later than one year after the date*  
 5 *of the enactment of this Act and annually thereafter, the*  
 6 *Secretary shall submit to Congress a report on the pilot pro-*  
 7 *gram, including the following:*

8 *(1) The findings of the Secretary with respect to*  
 9 *the pilot program.*

10 *(2) The number of veterans and nonveterans pro-*  
 11 *vided inpatient care by physicians participating in*  
 12 *the pilot program.*

13 *(3) The amounts collected and payable under*  
 14 *subsection (i).*

15 *(l) HEALTH PROFESSIONAL SHORTAGE AREA DE-*  
 16 *FINED.—In this section, the term “health professional short-*  
 17 *age area” has the meaning given the term in section 332(a)*  
 18 *of the Public Health Service Act (42 U.S.C. 254e(a)).*

19 **SEC. 214. ANNUAL REPORT ON MATTERS RELATED TO CARE**  
 20 **FOR VETERANS WHO LIVE IN RURAL AREAS.**

21 *(a) ANNUAL REPORT.—The Secretary of Veterans Af-*  
 22 *fairs shall submit to Congress each year, together with docu-*  
 23 *ments submitted to Congress in support of the budget of the*  
 24 *President for the fiscal year beginning in such year (as sub-*  
 25 *mitted pursuant to section 1105 of title 31, United States*

1 Code), an assessment, current as of the fiscal year ending  
 2 in the year before such report is submitted, of the following:

3 (1) The implementation of the provisions of sec-  
 4 tions 209 through 213, including the amendments  
 5 made by such sections.

6 (2) The establishment and functions of the Office  
 7 of Rural Health under section 7308 of title 38, United  
 8 States Code.

9 (b) **ADDITIONAL REQUIREMENTS FOR INITIAL RE-**  
 10 **PORT.**—The first report submitted under subsection (a)  
 11 shall also include the following:

12 (1) The assessment of fee-basis health-care pro-  
 13 gram required by section 212(b) of the Veterans Bene-  
 14 fits, Health Care, and Information Technology Act of  
 15 2006 (Public Law 109–461; 120 Stat. 3422).

16 (2) An assessment of the outreach program re-  
 17 quired by section 213 of such Act (120 Stat. 3422; 38  
 18 U.S.C. 6303 note).

19 **SEC. 215. TRANSPORTATION GRANTS FOR RURAL VET-**  
 20 **ERANS SERVICE ORGANIZATIONS.**

21 (a) **GRANTS AUTHORIZED.**—

22 (1) **IN GENERAL.**—The Secretary of Veterans Af-  
 23 fairs shall establish a grant program to provide inno-  
 24 vative transportation options to veterans in highly  
 25 rural areas.



1           (2) *ELIGIBLE RECIPIENTS.*—*The following may*  
 2       *be awarded a grant under this section:*

3                   (A) *State veterans service agencies.*

4                   (B) *Veterans service organizations.*

5           (3) *USE OF FUNDS.*—*A State veterans service*  
 6       *agency or veterans service organization awarded a*  
 7       *grant under this section may use the grant amount*  
 8       *to—*

9                   (A) *assist veterans in highly rural areas to*  
 10       *travel to Department of Veterans Affairs medical*  
 11       *centers; and*

12                  (B) *otherwise assist in providing medical*  
 13       *care to veterans in highly rural areas.*

14           (4) *MAXIMUM AMOUNT.*—*The amount of a grant*  
 15       *under this section may not exceed \$50,000.*

16           (5) *NO MATCHING REQUIREMENT.*—*The recipient*  
 17       *of a grant under this section shall not be required to*  
 18       *provide matching funds as a condition for receiving*  
 19       *such grant.*

20           (b) *REGULATIONS.*—*The Secretary shall prescribe reg-*  
 21       *ulations for—*

22                   (1) *evaluating grant applications under this sec-*  
 23       *tion; and*

24                   (2) *otherwise administering the program estab-*  
 25       *lished by this section.*

1       (c) *DEFINITIONS.—In this section:*

2               (1) *HIGHLY RURAL.—The term “highly rural”,*  
 3       *in the case of an area, means that the area consists*  
 4       *of a county or counties having a population of less*  
 5       *than seven persons per square mile.*

6               (2) *VETERANS SERVICE ORGANIZATION.—The*  
 7       *term “veterans service organization” means any orga-*  
 8       *nization recognized by the Secretary of Veterans Af-*  
 9       *fairs for the representation of veterans under section*  
 10       *5902 of title 38, United States Code.*

11       (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 12       *authorized to be appropriated \$3,000,000 for each of fiscal*  
 13       *years 2010 through 2014 to carry out this section.*

14       ***TITLE III—OTHER HEALTH CARE***  
 15                               ***MATTERS***

16       ***SEC. 301. EXPANSION OF VETERAN ELIGIBILITY FOR REIM-***  
 17                               ***BURSEMENT BY SECRETARY OF VETERANS***  
 18                               ***AFFAIRS FOR EMERGENCY TREATMENT FUR-***  
 19                               ***NISHED IN A NON-DEPARTMENT FACILITY.***

20       (a) *EXPANSION OF ELIGIBILITY.—Subsection (b)(3)(C)*  
 21       *of section 1725 is amended by striking “, in whole or in*  
 22       *part,”.*

23       (b) *LIMITATIONS ON REIMBURSEMENT.—Section 1725*  
 24       *is further amended—*

1           (1) in subsection (c), by adding at the end the  
2           following new paragraph:

3           “(4)(A) If the veteran has contractual or legal recourse  
4 against a third party that would, in part, extinguish the  
5 veteran’s liability to the provider of the emergency treat-  
6 ment and payment for the treatment may be made both  
7 under subsection (a) and by the third party, the amount  
8 payable for such treatment under such subsection shall be  
9 the amount by which the costs for the emergency treatment  
10 exceed the amount payable or paid by the third party, ex-  
11 cept that the amount payable may not exceed the maximum  
12 amount payable established under paragraph (1)(A).

13           “(B) In any case in which a third party is financially  
14 responsible for part of the veteran’s emergency treatment  
15 expenses, the Secretary shall be the secondary payer.

16           “(C) A payment in the amount payable under sub-  
17 paragraph (A) shall be considered payment in full and shall  
18 extinguish the veteran’s liability to the provider.

19           “(D) The Secretary may not reimburse a veteran  
20 under this section for any copayment or similar payment  
21 that the veteran owes the third party or for which the vet-  
22 eran is responsible under a health-plan contract.”; and

23           (2) in subsection (f)(3)—

24                       (A) in subparagraph (A), by inserting be-  
25 fore the period at the end the following: “, in-

cluding the Secretary of Health and Human Services with respect to the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.)”; and

(B) in subparagraph (B), by inserting before the period at the end the following: “, including a State Medicaid agency with respect to payments made under a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.)”.

(c) *EFFECTIVE DATE.*—

(1) *IN GENERAL.*—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to emergency treatment furnished on or after that date.

(2) *REIMBURSEMENT FOR TREATMENT BEFORE EFFECTIVE DATE.*—The Secretary of Veterans Affairs may provide reimbursement under section 1725 of title 38, United States Code, as amended by this subsection, for emergency treatment furnished before the date of the enactment of this Act if the Secretary de-

1 *termines that, under the circumstances applicable*  
 2 *with respect to the veteran, it is appropriate to do so.*

3 **SEC. 302. PROHIBITION ON COLLECTION OF COPAYMENTS**  
 4 **FROM VETERANS WHO ARE CATASTROPH-**  
 5 **ICALLY DISABLED.**

6 *(a) IN GENERAL.—Subchapter III of chapter 17 is*  
 7 *amended by adding at the end the following new section:*

8 **“§1730A. Prohibition on collection of copayments**  
 9 **from catastrophically disabled veterans**

10 *“Notwithstanding subsections (f) and (g) of section*  
 11 *1710 and section 1722A(a) of this title or any other provi-*  
 12 *sion of law, the Secretary may not require a veteran who*  
 13 *is catastrophically disabled to make any copayment for the*  
 14 *receipt of hospital care or medical services under the laws*  
 15 *administered by the Secretary.”.*

16 *(b) CLERICAL AMENDMENT.—The table of sections at*  
 17 *the beginning of such chapter is amended by inserting after*  
 18 *the item relating to section 1730 the following new item:*

*“1730A. Prohibition on collection of copayments from catastrophically disabled veterans.”.*

1     **TITLE IV—CONSTRUCTION AND**  
 2                     **NAMING MATTERS**

3     **SEC. 401. MAJOR MEDICAL FACILITY PROJECT DEPART-**  
 4                     **MENT OF VETERANS AFFAIRS MEDICAL CEN-**  
 5                     **TER, WALLA WALLA, WASHINGTON.**

6             (a) *AUTHORIZATION FOR MAJOR MEDICAL FACILITY*  
 7     *PROJECT.—The Secretary of Veterans Affairs may carry*  
 8     *out a major medical facility project for the construction of*  
 9     *a new multiple specialty outpatient facility, campus ren-*  
 10    *ovation and upgrades, and additional parking at the De-*  
 11    *partment of Veterans Affairs Medical Center, Walla Walla,*  
 12    *Washington, with the project to be carried out in an amount*  
 13    *not to exceed \$71,400,000.*

14            (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 15    *authorized to be appropriated to the Secretary of Veterans*  
 16    *Affairs for fiscal year 2010 for the Construction, Major*  
 17    *Projects account, \$71,400,000 for the project authorized in*  
 18    *subsection (a).*

19    **SEC. 402. MERRIL LUNDMAN DEPARTMENT OF VETERANS**  
 20                     **AFFAIRS OUTPATIENT CLINIC.**

21            (a) *IN GENERAL.—The Department of Veterans Affairs*  
 22    *outpatient clinic in Havre, Montana, shall after the date*  
 23    *of the enactment of this Act be known and designated as*  
 24    *the “Merril Lundman Department of Veterans Affairs Out-*  
 25    *patient Clinic”.*

1       **(b) REFERENCES.**—*Any reference in any law, regula-*  
2 *tion, map, document, record, or other paper of the United*  
3 *States to the outpatient clinic referred to in subsection (a)*  
4 *shall be considered to be a reference to the Merril Lundman*  
5 *Department of Veterans Affairs Outpatient Clinic.*

Amend the title so as to read: “A Bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans in rural areas, and for other purposes.”.

Calendar No. 167

111TH CONGRESS  
1ST Session

**S. 801**

[Report No. 111-80]

**A BILL**

To amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

SEPTEMBER 25, 2009

Reported with an amendment and an amendment to the title